

App F IX 4

Previous References

Later References

41 95-49-(12-13)

1948-49
(ME)

File No 91-48

Serial Nos. ~~10, 11~~
5, 6, 10, 11

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2100

page (e)

Part B for

Aug '49

SUBJECT

Allegations against Srs N J Mahyappa
and Srs K H Govindappa in connection
with the irregularities in the Bross
Town Municipality.

To The D C, Chickmagalur Dt.

No L 1847/D 12-8-49

passes orders

72
L

An anonymous petition
dated - nil - from a member of the
Municipal Council Birur addressed
to the Minister for Local Self
Government levelling allegations
against the Head Clerk of
the Birur Municipality
and praying for enquiry
and transfer

1) Subd. report will be called for from the Dy Commr.
as hadu DC, 4 appd

10/7
9/7

2) A report may be
be called for, as the allegations
contained in the petition - though
anonymous - are quite
specific

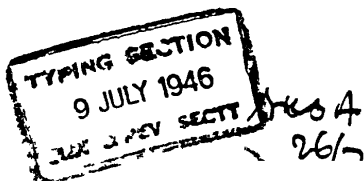
referred to
317/402

3) Yes done
8/7/

with a memo on the petn calling for report
from the Dy Commr, Kadur, 8/7

5) I saw
9/7 mb

L 528 & 117 UB



re Allegations against the Head block of the
Bunder Municipality
From

The Deputy Commissioner,
Chokmagalur District

No A3 c 1887 PR 267/47 dated 2-1-1948

Furnishes a report in the matter.

6) Sd/- It is seen that the petition making the allegations against the Head block of the Bunder Mty was forwarded to the Amildar, Kader Taluk for enquiry and ^{a copy of the} ~~and that~~ ^{report of} enquiry ~~in the matter~~ held by the Amildar is sent now without the ~~usual~~ remarks of the Deputy Commissioner. It is also stated that the ^{official} ~~applicant~~ who was to appear before the Dy Commissioner on 17-12-46 did not appear ^{consequently} ~~the~~ enquiry by the Deputy Commissioner did not take place.

7) It is not clear why the report from the Amildar, Kader is sent without recording the opinion of the Dy Commissioner on the points raised in the report.

8) The entire records may perhaps be returned to the Dy Commissioner for holding ^{an} enquiry & submitting a report in the matter.
dt 22/1/48

3070
21

3

Allegations against the Head Clerk of the Pomer Municipality

9) The previous Def Comm^r considered it necessary to pursue the matter further, ~~but~~ ^{but} the local enquiry planned in his behalf did not take place as the official was not available at the time. The present Def Comm^r states that the official has been transferred and has sent the records for perusal. Though he does not say so specifically he perhaps considers that the matter may be left at that.

10) The Auditor's report is for perusal & is for consideration whether the question may be further pursued or not.

Pr
23148

11) The petition purporting to make allegations against the Head Clerk & Vice-presidents of the Pomer Municipality

was sent to the D.C. for enquiry & report on 11th 7 46 i.e. more than 1 1/2 years back. No report was sent to Govt at all but when a reminder

was issued, a report is now sent without expressing any opinion in the matter.

12) The Auditor's report summarizing results of his enquiry is dated 18th 11 46. But it

*
File 8

is stated to have been sent to
the D.C. Office on 10-12-1947
why was there a delay of over one year
in submitting the report requires to be explained

13) As regards the allegations made against
the Head Clerk, it is seen from the Auditor's
report that he is responsible for several
irregularities and that he has misbehaved
as a public servant. But this does not
appear to have been possible unless the
vice-president was in contact with the
Head Clerk. The matter certainly appears to
warrant investigation which the D.C. should
have done long ago but has neglected
to do so. If public confidence in the
administration of these local bodies is to be
restored, a detailed enquiry into the
allegations against all those concerned
is necessary. The D.C. will, if approved,
be asked to conduct it & submit it to
first with his opinion before the end of Feb
1948. Unsatisfactory manner in which
the report is made to the Govt. after a long
delay will also be pointed out to him.

newly 23/1/48
14) Further report as proposed
above will be calling for further
pointing out the delay in
the submission of the

3870 ~~ML~~ 3870/4h
present report which is
as of - complete (5)

In para 15 of the report,
the trustee for 2010 was
the report to be named before
the end of February 1988
the case was to remain the
trustee reported for necessary
action did not attend to the
trustee's duties. He was to
be on 1 3 48.
the explanation will be
offered that, for this
reason, the trustee was not
able to do his job.
2/2 1/2 Review for
3/2/88 2/8/88
PTO

14) Further report as proposed ^{23/11/88}
above will be called for after
pointing out the delay ~~in~~ in
the submission by the

3870/mc 3870/pd
 present report which is
 not complete. (5)

OF OF OF
 THE MINISTER FOR
 LOCAL SELF GOVERNMENT

No 1185
 D SSG

minutes
 L.S. 8

13) Yes the report must be made before the 27/1/48
 27/1/48

16) Jt. Int. 14/2
 16/2/48

17) Sukh wrote a dft letter for offl

69/3/48
 12/48

18) Issue at once
 + resubmit
 quickly

11/2/48

To The Deputy Commissioner,
 Chikmagalur District (w R)
 No L 14227 dated 1-3-1948
 calls for a final report before the 15th March
 1948 at the latest

19) Sukh for orders — reference para 18 supra
 69/3/48
 13/48

20) The case workers
 must watch that no
 further delay occurs
 in taking necessary
 action in future
 2/5

Reminded to issue on
 10-3-48
 SSG
 69/3/48

3870 ⁵⁶⁵⁴
ML 5711

21) Suled left 12.00 remainder put up
is for affd

63 12/3/48 22) Pl keep this and just submit it
on the 17th ^{of} ^{with} for 12/31/48

23) Suled for orders report called for has
not so far been received

63 17/3/48 - P.
17 345

24) Issue since
for 17/3/48

181 APR 1948
1000 4571 26

To,
The Deputy Commr Chikmagalur St
No L 14 669/18-3-48

Calls for a report - SUSA
30-3-48

From

The deputy commissioner

No A3 C Per 267 C Chikmagalur District
No A3 C 1877 dated 27-3-1948

Furnishes an interim reply

25) Suled states that the official ^{referred to} who has been
transferred to Madur Taluk ~~officers~~ office has been
kept under suspension, that the S.D.C., Tanikere
has been asked to hold an immediate enquiry
& that a final report will be submitted to
Govt within about a fortnight. Report promised
may perhaps be accelerated. The D.C. is also
63 31/3/48 taking disciplinary action against the officials
responsible for the delay
P. 31 345

57/11/48 J 3267/14006/14
 2b) for perusal of the report (7)
 (admission) to D.C.
 Chickmagalur Dist. The new
 D.C. has taken suitable action
 in the matter this further report
 as promised will be awaited
 received on 31/3/48

9869
 1/4

27) Further report will
 be awaited

Director
 THE MINISTER FOR
 LOCAL SELF GOVERNMENT
 No 1977
 Date 28/5

8/5/48
 8/4/48
 8/7/48

Suo A
 28/8/48

From

The D.C. Chickmagalur Dist.
 No A.3 c 1877/67-48 of 6-11-48
 submits his report in the matter

29) Regarding the 1st allegation
 against the Head clerk S. K. H. Sundappan
 about the misappropriation of the profit
 of Rs 100/- derived out of the sale of

8 Allegation against K H Swindappa of Bim Bim

Sugar and Kerosene during 1942

651/21
3267/24

30) The Ao states that no funds were supplied to the ml employees to conduct this transaction. Sri K R Krishnamoorthy, the then vice-president had advanced some funds and the business was conducted through some ml employees including Sri K H Swindappa, Sri K H Swindappa, Sri N T Malayappa, and Sri K R Krishnamoorthy were examined.

The statement of K H Swindappa discloses that the sugar was sold in the shop of the vice-president, and the profit was apportioned by the ml peers and some amt was given to the S O. This fact was corroborated by the statements of other ml employees. There are no proper records to show the correct figure of the profits. In the absence of the records the S O's Taxilure suggested that a sum of Rs 50/- may be recovered from Sri K H Swindappa and the Sanitary Inspection.

31) The second allegation is, that

Allegation against K-H-Swindaappa
of Binnu mls- (9)

651/mul
53267/mul

The Building Committee members and the clerk Sri K H Swindaappa have misused the articles of the old toddy shop, ~~which~~ while constructing the rooms behind the Binnu Town Hall

32) ~~One~~ From the evidence available ~~that~~ the articles of the old toddy shop were used for the two rooms constructed for the use of the High School classes as proposed by the mls. The C.C. states that the allegation is not supported by the evidence.

33) Removal of 20 Sars of Jola, a tin of Kerosene oil and about 25 Sars ^{by K H Swindaappa} of rags from the mls food granary was the third allegation.

34) As per the statement of the Kolikar, C V Hanumanthappa, ~~that~~ the Kolikar removed a certain quantity of Jola to Sri Swindaappa's house on a particular day with the object of getting some quantity for himself. This was enquired

Allegations against K H Gwindaappa of Bimr Mls.

into by S. K. T. Sahyanarayana Setty, the then President. The quantities of the Jola removed was got back and the clerk was severely warned and it is denied that the other articles were not removed by him.

657/21
J3267/21

35) The fourth allegation ^{is} ~~being~~ that certain articles were destroyed for arrears of Ml taxes and they were missing.

36) The WS states that the above allegation is baseless.

37) ^{K H Gwindaappa} The fifth allegation about the clerk and some other Ml employees is that the amounts recovered from the Ml sweepers have not been taken to the account of the Mls.

38) The WS states that, after examination it is made out that the amounts were recovered from the Ml sweepers towards the security deposits unauthorisedly by the clerk Gwindaappa under the instructions of N. T. Mahiyappa. It is admitted by

Allegations against K H Gvindappa of Birn Mf-

657/mf
3267/mf

Sri N T Maliyappa that the recoveries were actually made by Gvindappa and denies that the statement of Sri Gvindappa that the vice-pdt would keep the accounts in this behalf. It is further revealed that this clerk Gvin-
-ppa was the custodian of the moneys recovered. The key of the cash chest was kept alternatively with the vicepdt and the clerk. The S D.O suggests that the money amounting to Rs 72/- in this behalf may be ^{recovered} collected from Sri.
N T Maliyappa the Sanitary Inspector and and K H Gvindappa

39) The next allegation ^{is} ~~being~~ the collection of the value of sites at the ~~B~~ Vappur camp in Birn Town from the Boyes, unauthorized.

(40) The value of the sites were paid by the Boyes to K H Gvindappa ~~with~~ the receipts were not issued and the issue of the title deeds was promised. One of the Mf councillors Sri Mangada Mahadappa has paid Rs 100/- towards the value of 5 sites to K H Gvindappa. This trans-

Allegations against Sri K H - Gairidappa of Bim Mfg -

- transaction was carried on with the connivance of Sri N T Maliyappa and through the Hotel keeper Srinimurthy Sri N T Maliyappa ~~him~~ has himself admitted that for the collection of the said amts he ~~was~~^{is} responsible. There is ample evidence to show that the amount was recovered by Gairidappa with Stamp papers without the consent of the president. In the circumstances, ^{may be stated} that the president ~~was~~ also negligent in the matter. The money collected amounts to Rs 90 which is suggested to be recovered from the concerned official and the ~~govt~~^{govt}.

651/24
√3267/n

(ii) The above report of the ~~we~~ shows that the persons who were ~~person~~ consistently dealing with the all moneys were K H Gairidappa, N T Maliyappa and the Sanitary Inspector. The above persons were solely responsible for the irregularities and misappropriations. K H Gairidappa is now under suspension pending enquiry. Sri K T Satyanarayana Setty is also partly responsible because

13

Allegations against Sri K H Goundappa
Ex-head clerk of the B.M. Mls.

—

651/21
√ 3267/21

he was negligent towards the administration of the Ml affairs

42) The C.E. requests permission to ~~for~~ further investigate and prosecute Sri K H Goundappa and Sri N-T Mahappa for the misappropriation of money and gross negligence in handling the Ml moneys

43) ~~Submitted for orders~~ The report of the C.E. is for perusal and orders
Any
2/12

From

Sri K H Goundappa

dated 15-11-68, requests that he may be reinstated in his original place

44) Orders of the Minister for
H S R

" A report may be called for from the Deputy Commissioner

(Ind) Re
17/11/68

14 Allegations against Sri K. H. Sundappa
of Birur Mfg-

45) Sri K H Sundappa states that he acted in-obedience to the instructions issued by the vice-president, knowing full-well that the ^{said} ~~above~~ transactions would lead to serious omissions and irregularities

3267/mf
√4006/mf

46) The report received from the Deputy Commissioner, Chickmagalur. Dist in the matter is submitted for perusal and orders

Am 8/12 47) The D C's report discloses serious irregularities on the part of the receivers Sri N. D. Maliyappa, ^{clerk} K H ~~clerk~~ Sundappa and the Jointly Inspector All these appear to have colluded together in the several transactions referred to in the report

48) It seems as if there was no supervising authority to check the actions of the above individuals at Birur with the result that they

Allegations against Sir K. H. Sundappa 15
of Bim. m. -
have done things as they

4006/m

liked in a most arbitrary
manner, without regard to rules (Assembly
regulations & standing orders
the observations made at Am
para 13 supra have been fully
substantiated by the present report

49) of the D.C.
In the cases brought to light, it is
for orders of the D.C. proposed to take
action against the President & the
Clerk - who is most suspicious - by
launching proceedings against them after proper
investigation by the D.C. has been approved
He also suggests that the negligence
on the part of Sir K. H. Sundappa may be
the then President of the M.L.A. may be
noticed suitably at any rate the
amounts defalcated have to be recovered
from the parties concerned and for credited
to the Bim. for M. funds in the
first instance

16 3267 Allegations against K H Govindappa & Birming-
 57) For orders with refce to para

(insert file
 into (8/12/48)) 14, 15, 27 last of the notes before
 (The other file in which it has been noted that some minor defects
 in the minor oil pump might be corrected & received from certain persons is attached
 Reverse) 8/12/48

4006/48

57) In the light of the
 facts mentioned in the
 D.C report, Clerk Sri
 Govindappa & the then
 Vice President Sri N.T.
 Mahalingappa may be prosecuted
 after due investigation
 as recommended by
 the D.C. As regards

OFFICE OF
 THE MINISTER FOR
 LOCAL SELF GOVERNMENT
 No
 Date 11/12

the negligence on the part
 of Sri. K.T. Satyanarayana
 Gethy, the then president
 the D.C's recommendation
 is, that Govt. may take
 such notice of it as
 they deem fit - this is for
 orders

minister
 L.S.-8)

8
 10/12/48
 for

P.T.O

Allegations against K H Swindappa of Bim MHS

- 52) 1,006/mt
1) Have the parties been given an opportunity to explain? 17
2) If so what is their explanation?
3) Is there sufficient evidence to prosecute them?

Office of the Minister for Local Self Government	
No	3068
Date	23 12 48

22/12/48

23/12

23/12 53) The parties have been given an opportunity to explain their conduct for 24/12

54) A statement showing the allegations made, the explanation of the President, the Vice President & the clerk on each of the allegations is put up for perusal. It also contains the DCS opinion & the Secretariat note. The DCS considers that the suggestion for prosecution after investigation of the matter by the police.

24/12 55)

The clerk has submitted a petition dated 15 11 48 to the effect that he did everything under the directions of the Vice President Sri D. S. Naligappa. The Vice President's conduct is highly blameworthy and he did

3262 Allegation against K H. Srinidappa & others only
doubt not certainly deserve the
trust reposed in him by the
Council

56) For order - reference 52 supra
General Secy for
2/2/49

57) To that

2/2/49
4/2/49

58) Remarks are noted in the statement put up

The amounts due may be sought advised to be

revised, and the Clerk is under suspension, and

as he is not fit to hold charge, no place,

however he may be dismissed, and I am of

the view that no prosecution seems necessary

Office of the Minister
for Local Self Government

No 408
Date 5/2/49

Minister & Secy

2/2/49
for

59) The clerk who is under suspension may be
dismissed as suggested by the Secy. As
regards the vice president, the D.C. may be
asked to send his report after proper
investigation for further action in the matter

2/2/49

2/2/49 60)
2/2/49
2/2/49

Allegations against Sri K.H. Sundappa²⁰¹ Clerk Birn Tummal

General and Revenue
 Secretariat

File No

of 194

App F 112

ml

91

4/8/49

4006/mt
 5/

Serial
 No

61) Draft L.O and the letter are
 put up for approval

App
 3/3/49
 33/49

62) Issue notice
 4/8/49

To

6'

The D.C Chikmagalur
 " Comptroller to Govt
 in President, Birn Tummal
 of which notice sent in 1949

no L 10/31-4 of 5/3/49

Directs the dismissal from
 service of K. H. Sundappa,
 clerk, Birn Tummal in the
 cases reported

To

7

The D.C Chikmagalur

no 2 10/35 of 5 3 49

calls for for the information
 re the action to be taken against
 Sri K.H. Sundappa, EXVP.
 of Birn Tummal after
 proper investigation

Handed up 91-48-1
 for previous file
 to be dealt with

Sund
 5/3/49
 Note - Contn. Sheet

Allegations against Si K H Gvindappa and

Si N T Mahiyappa, in connection with the irregularities
in the ^{File No} MS- of 194 General and Revenue
Secretariat

From

The D.C. Chikmagalur Dist
A3.C 1877/US-US of 5-7-49
Submits a report in the matter

Serial
No

4006/m/
251/m/

b3) The report of the D.S.P. regarding
the prosecution of Si N T Mahiyappa
Ex vice pdr of the Brim Town ml cl
on the charge of misappropriation of
ml moneys, is for perusal

b4) It is reported that no documentary
evidence can be let in and there
is only oral evidence regarding the
charge of misappropriation ^{by the chikl ltt Gvindappa} in collusion
with the Ex vice pdr ~~Si K H Gvindappa~~
~~Chikl Gvindappa~~. Further states
the D.C. is doubtful about the ^{of the prosecution} ~~prosecution~~
~~success~~ in the above case
and he is of opinion that it ^{does not} ~~is not~~
seem to be ^{feasible} ~~desirable~~ to prosecute the ex-vice pdr
Si N T Mahiyappa

b5) For orders - Ref para 59 supra

^{Amr}
26/7/49 ^{Pr} 26/7/49 (b6) In accordance
with the orders at para 59 supra
the D.C. Chikmagalur was
requested to forward a detailed report
after proper investigation by the D.C.
regarding the feasibility and advisability
of prosecuting the Ex vice pdr
in N T Mahiyappa of the Brim

Serial No	
--------------	--

June 1947

67) The D.C. has now sent up the report of the Dist Superintendent of Police in the matter. The D.S.P. is of opinion that there is no satisfactory evidence as contained in documents for being let in by the prosecution that the revenues were by the K.H. Curdappa clerk of the M.M. in collusion with the Ex-vice President - were not brought to account of itself & that there is only oral evidence available. The D.C. considers that the prosecution may fail in wanting documentary evidence & that it does not seem feasible to prosecute the Ex-vice President. On the other hand, it is for orders if the D.C. opinion may be accepted & orders issued accordingly.

68) It has, however, to be stated that there is ample evidence to show that Mrs. N. S. D. only appears behaved in an unworthy manner and has abused the trust reposed in her as a vice president of the Y. M. C. A. utilizing the position to his own advantage Action has to be taken

157/2

File No

of 194

General and Revenue
Secretariat

Serial
No

to receive the money due by
the clerk to the extent of Rs 1621
thereby also to Min the Min
of Rs 1000 as to what action they propose
to take ^{against him} for his misconduct under Sec
14 of the Mysore Tenants Act 1928.
Chit Kumbhar will be informed
accordingly

69) Rs above are for
rent say 27/7/49

70) The inspection made on 10/10/48
of the notes may be approved, and the
Chit Kumbhar informed accordingly

Inspector 1/1/49

12/1/49
27/7/49

71) 4/1/49

31/7/49

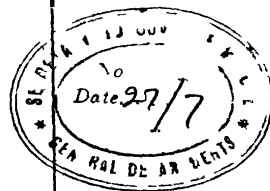
72) Dft letter 2/2/49
31/8/49

73) Draft letter is put up
for approval

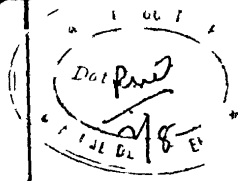
App
9/8/49

To
on the check
1/7/49

No 1847/14 91-48-11
D. 16/8/49



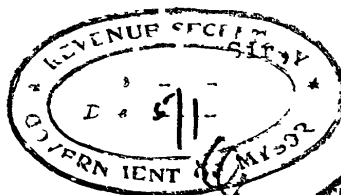
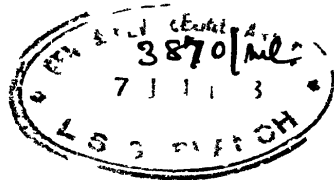
Office of the Minister for Local Self Government.	
No	500
Date	28/7/49



NO A3-C 1877 P R 267/47 Office of the Deputy Commissioner,
Encl Records Chickmagalur District,
Chickmagalur, dated the 2nd January 1948

ml
me-cg
To

The Secretary to Government,
Revenue Department,
Bangalore
=====



Subject - Allegation against the Head Clerk of the
Birur Town Municipality
=====

18
With reference to your reminder letter No L 11387 dated
20-11-1947 on the above subject, I have the honour to state that
the petition making the allegations against the Head Clerk of the
Birur Town Municipality (received with your Memo No L 578 dated
11-7-1946) was sent to the Amildar, Kadur Taluk on 12-7-46, for
detailed enquiry in the matter The Amildar, Kadur submitted on
10-12-1947 his report of enquiry dated 18-11-1946 (a copy of which
is herein enclosed) On receipt of this report, my Predecessor is
seen to have passed orders on 10-12-46 that a notice may be issued
to the Official K H Govindappa to appear before him on 17-12-1946
at Birur Camp for enquiry The enquiry did not take place In the
meanwhile, the official was transferred from the Municipal Office
Birur to the Taluk Office, Kadur The entire enquiry records,
together with the original petition received from you and the copy
of the Kadur Amildar's report of enquiry are forwarded herewith
for kind perusal

The records may be kindly returned for taking further action
on the points observed in the report of enquiry

I have the honour to be
Sir,
Your most obedient servant,

Thur...
For Deputy Commissioner,
Chickmagalur District
Mr

HPP

Appendix F G-11

No 4

SUBJECT

*Allegations against the Head Clerk of the
Burn Town Municipality*

Diary No of letter replied to

General and Revenue Secretariat

()
the 19

Date of issue

Signed by

*the problem was sent for enquiry
and report on 11/7/46 no report
was furnished to Govt at all
and when a reminder was
issued, a report is sent without
expressing any opinion in the
matter. It seems the Amildar's
report was sent to the D.C.'s Office
on 18/11/46 and there has
been a delay of over one year
in submitting the report.
Copied by the Amildar's Office
themselves it is seen from the
Amildar's report that the official
examined by is responsible for
several irregularities and has
also misbehaved as a public*

Section

File No

Serial No

No

To

h 1422 / W-R
*The Deputy Commissioner
Chikmagalur District*

Sir,

*With reference to your letter
No ABC 1877 P R^{257/47} dated 2-1-48
on the above subject, I
am directed to observe that
an incomplete report has
been sent to Govt after a delay
of over one year and to request
you to hold a detailed
enquiry in the matter and sub-
mit a final report to Govt
with your remarks before
narrant. This does not appear to*

WD 06865-GPB-8 000-9-8-47

have been possible unless he received some encouragement

P T O

On 15th March 1948

The connected records returned herewith may be retransmitted with your report. I have etc

from the Vice-President of the
matter is certainly worth
investigating and I am ~~Rever~~ Secy to Govt
to request you to undertake
to immediately. J.H. Public 13/3/48

Confidence in the admin-
stration of local bodies is to be
restored. A detailed enquiry into
the allegations against all the
persons concerned is very necessary.

and to submit the report to
Government before the 15th March next
at the latest
as to put out fact that should be no further
delay in this matter I have etc,
It should be personally
looked into & report
sent to the Secy to Govt
The records accompanying 1 set

Endorsement granted to Sri KH
Govindappa, Hjjampur Road,
Birur

with reference to ~~to~~ his petition
dated 8-10-1949 requesting for
a copy ~~copy~~ of the charges
made against him and the
final orders passed ~~by~~
govt. ^{The} ~~the~~ petitioner is informed
that he may apply to the DC
Chickmagalur for a copy
of the allegations made against
* G) him. A copy of the G.O dated

5-3-1949 is, however, sent
herewith

BO

For Lay to Govt
Genl Dept
JA

Memo No L
Copy of the above is forwarded to
the DC Chikmagalur for
information

BO

For Lay to Govt
Genl Dept
JA

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No

L. 14227

General and Revenue Secretariat,

Dated Bangalore,

17/3/1948

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore
Revenue Department

TO

The Deputy Commissioner,
~~Chikmagalur District,~~
CHITALDRUG Chikmagalur

SIR,

Subject: Allegations against the Head Clerk of
the Birur Town Municipality.

With reference to your letter No A3 C 1877 Pr 267/47, dated 2nd January 1948, on the above subject, I am directed to observe that the petition was sent for enquiry and report on 11-7-46. No report was furnished to Government at all and when a reminder was issued, a report is sent without expressing any opinion in the matter. Again, the Amildar's report of enquiry is dated 18-11-46 and it was sent to the Deputy Commissioner's office on 10-12-47 and there has been a delay of over one year in submitting the report. This requires explanation on the part of the Amildar concerned.

As regards the allegations themselves, it is seen from the Amildar's report that the official is responsible for several irregularities and has also misbehaved as a public servant. This does not appear to have been possible unless he received some encouragement from the Vice - President. If public confidence in the administration of local bodies is to be restored, a detailed enquiry into the allegations against all the persons concerned is very necessary. The matter is certainly worth investigating and I am to request you to undertake it immediately and to submit the report to Government before the 15th March 1948 at the latest. I am to point out that there should be no further delay in



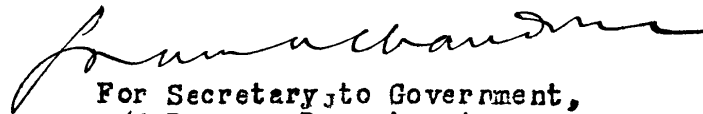
this matter. It should be personally looked into and the report submitted on or before the prescribed date.

The records accompany.

I have the honour to be,

Sir,

Your most obedient servant,



For Secretary to Government,
Revenue Department

⁶
Draft for approval

L. 14669
1. 193-48

The Deputy Commr
(Cly name)
Checkmagalar St.

dear Sir,

Re: Allegations against the
Head clerk of the Berar Town MLG

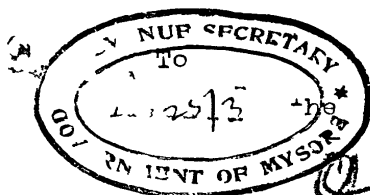
In writing, your
att attention to this
office letter No 214227 dated
1-3-1948 on the above
subject, I am directed
to request you ~~kindly~~
to submit the report
called for thereon ~~within~~
^{very early} the ~~15th~~ instant without
further delay

I have etc
Yrs

for Secy to Govt
6812/3/48

17/3
3870
No A3-Per 267C 1877/47

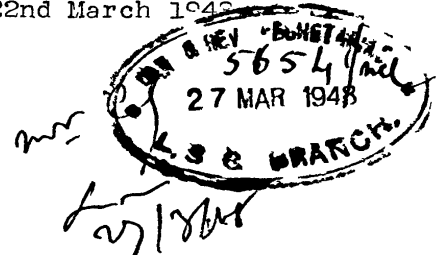
Office of the Deputy Commissioner,
Chikmagalur District,
Chikmagalur, dated the 22nd March 1948



Sir,

Secretary to Government,
Revenue Department,
Bangalore
=====

Subject - Allegations against the Head Clerk of the
Birur Municipality
=====



With reference to your letter No L 14227 dated 1-3-1948 on the above subject, I have the honour to state that a copy of the report of enquiry held by the Amildar, Kodur taluk on the several allegations was sent with this office letter of even number dated 23-10-1947 to the President, Town Municipal Council, Birur, with a request to obtain and furnish the opinion of the Municipal Council on each of the allegations

In spite of the issue of specific instructions, no reply has yet been received from the President, Town Municipal Council, Birur. He is again stringently reminded this day. Soon after the receipt of his report, a detailed report will be sent along with my views in the matter

I have the honour to be
Sir,
Your most obedient servant,

W.S. Meese

For Deputy Commissioner,
Chikmagalur District,
Absent on Tour

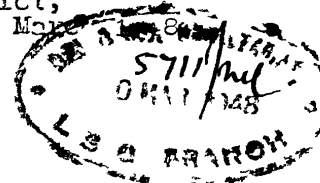
HPR

Office of the Deputy Commissioner,
Chikmagalur District,
Dated, Chikmagalur, 27th May 1948

No A3.C 1877/47-48.

To

The Secretary
to Government of Mysore,
Revenue Department, Bengaluru.



Sir,

Subject - Allegations against K H Govindanna,
Head-Office of Bina Town Municipal Office -

Adverting to your letter No L 14227 dated 1st March 1948 on the above subject, and subsequent official letter dated 19-3-1948, I have the honour to state that I have just now come to know of the facts of this case. The report of enquiry dated 18-11-1946 was actually received in this Office on 5-12-1946 from the Amildar, Kadir Taluk, and not on 5-12-1947 as reported. The records were in this Office since that date without needful act or being taken in the matter. I am taking disciplinary action against those responsible for this lamentable delay in this Office.

It is reported by the President, Town Municipal Council, Bina, that the reconstituted Council have opened a special meeting held on 10-3-1948 and 25-3-1948 that Government may take such action as they deem fit in this matter. On the records of enquiry held by the Amildar ^{and} in view of the facts revealed by the Amildar's report, I have placed the official, who has since been transferred to Kadir Taluk Office, under suspension, and have asked the Sub-Division Officer, Talukote, to hold an immediate and exhaustive enquiry on the lines suggested in your letter dated 1-3-1948 adverted to above. A final report in the matter will be submitted to Government within about a fortnight.

I have the honour to be,
Sir,
Your most obedient servant,

K H Govindanna
Deputy Commissioner,
Chikmagalur District

I MB.

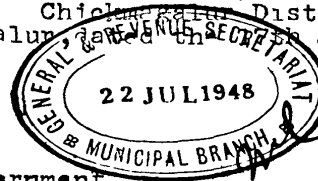
Handwritten notes and stamps:
- A circular stamp with the text "NOT SECRET" and "19-3-1948".
- A handwritten note: "The report of enquiry dated 18-11-1946 was actually received in this Office on 5-12-1946 from the Amildar, Kadir Taluk, and not on 5-12-1947 as reported." (This is a transcription of the typed text above).
- A handwritten note: "The records were in this Office since that date without needful act or being taken in the matter." (This is a transcription of the typed text above).
- A handwritten note: "I am taking disciplinary action against those responsible for this lamentable delay in this Office." (This is a transcription of the typed text above).
- A handwritten note: "It is reported by the President, Town Municipal Council, Bina, that the reconstituted Council have opened a special meeting held on 10-3-1948 and 25-3-1948 that Government may take such action as they deem fit in this matter." (This is a transcription of the typed text above).
- A handwritten note: "On the records of enquiry held by the Amildar and in view of the facts revealed by the Amildar's report, I have placed the official, who has since been transferred to Kadir Taluk Office, under suspension, and have asked the Sub-Division Officer, Talukote, to hold an immediate and exhaustive enquiry on the lines suggested in your letter dated 1-3-1948 adverted to above." (This is a transcription of the typed text above).
- A handwritten note: "A final report in the matter will be submitted to Government within about a fortnight." (This is a transcription of the typed text above).

ML 657

9

No 13-C 1877/47-48

Office of the Deputy Commissioner,
Chickmagalur District,
Chickmagalur, dated 22nd July 1948



To

The Secretary to Government,
Revenue Department,
Bangalore
=====



Subject - Allegations against K H Govindappa, Head-clerk
Birur Municipality
=====

In continuation of my letter of even number dated 27th March 1948 on the above subject, I have the honour to state that the records of enquiry made by the Sub Division Officer, Torikere, in the matter have not been received in this Office so far inspite of a demi-official reminder issued on 23rd April 1948. I have therefore reminded him again today to expedite the matter and on receipt of the records of enquiry, I shall forward my detailed report in the matter for the orders of Government.

I have the honour to be
Sir,
Your most obedient servant,

K H Govindappa
Deputy Commissioner,
Chickmagalur District

HPP

Submitted for perusal -

The detailed report in
the matter will be submitted
if approved -

28/7/48
29/7/48

pl put this up with the Comptroller to the

for
29/7/48

270
2nd 91-48-5

No A3-C 1877/47-48
Enc File

Office of the Deputy Commissioner,
Chickmagalur District,
Chickmagalur, dated the 6th November 1948



10

To

The Secretary to Government,
Revenue Department,
Bangalore

11/11
Sir,

Regarding allegations against Sri K H Govindappa,
Ex-Head Clerk of the Birur Municipality
=====

In continuation of my letter of even number dated 17th July 1948 on the above, I wish to retransmit herewith the petition received with your letter No L 14227 dated 1st March 1948, together with the records of enquiry received with letter No 19/47 dated 3rd September 1948 from the Sub Division Officer, Tarikere. A copy of the Sub Division Officer's report is also enclosed herewith for kind perusal of the Government.

The first allegation against Sri K H Govindappa is that he misappropriated the profit to the extent of Rs 100/- derived from the transactions relating to the Sugar and Kerosene during 1942 with the connivance of certain members of the Municipal Council.

2. It may be stated in this connection that the said transactions were not conducted in accordance with any resolution of the Municipal Council nor was any money advanced at any time by the Municipal Council from out of their funds, that the sales were however conducted through the Municipal employees and that Sri K R Krishnaamurthy, the then Vice-President of the Municipal Council had advanced some money out of his private funds. The said Sri K R Krishna Murthy, his successor Sri N T Maliyappa, Sri K H Govindappa and certain employees of the Municipality have been examined in this behalf. The records of enquiry disclose that the transactions relate to the term of office held by Sri K R Krishna Murthy. Sri K H Govindappa has stated that he was not aware of the transactions relating to Sugar, as the said commodity was being sold in the Vice-President's shop, that the Municipal peons were apportioning the profit daily among themselves and that a certain amount which was given to the Sanitary Inspector was used on the

on the occasion of the entertainment given to the Sanitary Inspector. This version has been corroborated by the statements of the Municipal staff, but there are no recorded facts and figures as to the amount of profit, thus appropriated. The then Vice-President, who engaged the services of the Municipal staff ought to have maintained proper accounts to enable the responsibility being fixed and assessed properly. The Sub Division Officer, Tarikere has suggested in the absence of accounts that a sum of Rs 50/- may be recovered from clerk Sri Govindappa and the Sanitary Inspector.

The Second Allegation is that the Building Committee Members and the clerk have mis-used the articles of the old toddy shop, which was dismantled while the construction of the two rooms behind the Birur Town Hall was in progress.

According to the evidence furnished by contractor Sri M Srinivasa Rao, the materials of the dismantled toddy shop were used for the two rooms constructed for the use of the High School classes. Certain articles are stated to have been disposed of by auction. Sanction of Government was accorded to the construction of a room behind the Town Hall for providing accommodation to the High School classes, at a cost of Rs 1500/- as it was proposed by the Municipal Council to utilise the articles of the dismantled toddy shop. The Municipal Council has incurred an expenditure of Rs 4325-1-4 towards the construction of the two rooms. The corrected records are being submitted to Government separately. It may be stated in this connection that there is no evidence in support of the allegation made against Sri K H Govindappa in this matter.

The Third Allegation is that clerk Sri Govindappa has removed, surreptitiously 20 seers of jola, a tin of kerosene oil, and about 25 seers of ragi from the Municipal Food Grain Depot and that no action was taken in this behalf despite the fact having been proved in the enquiry held by the President in the presence of certain Members of the Municipal Council. It is seen from the deposition of C V Hanumanthappa, Octroi Kolkar of the Municipality, that the Kolkar removed a certain quantity of jola to Sri Govindappa's house on a particular day with the idea of getting some quantity out of it for himself. The records disclose that the matter was enquired into by

- 3 -

was enquired into by the President, Sri K T Sathyanaravana Setty and that Clerk Sri Goindappa was severely warned not to interfere with the affairs of the Municipal Depot. It is seen that the said quantity of jola was brought back to the Depot. Sri Govindappa denies ~~that~~ having taken the kerosene oil tin and ragi as alleged. It may incidentally be brought to the kind notice of Government that the records relating to the heavy misappropriation of cash and the shortage in stock in the Municipal Food grains Depot at the place have been forwarded to the Government with my letter No 13-C 216/48 dated 29th August 1948, wherein, I have solicited orders of the Govt. in regard to surcharging the same. Sri N T Maliyappa, the then Vice-President is involved in the said transactions.

The Fourth Allegation is that certain articles which were distrained for arrears of Municipal taxes were missing and that a detailed enquiry be instituted.

It is seen from the records of enquiry that certain articles distrained from the custody of Sri Nadiga Krishnaswamy of Birur were since returned to the party and that the allegation is baseless.

Fifthly the Author of the anonymous petition desires an enquiry as to how the amounts recovered from the Municipal Sweepers have been accounted for.

With regard to this allegation, Conservancy Deffedar H Shivanna, the Municipal Sweepers, Clerk Sri Govindappa, Sri N T Maliyappa and Sri K T Sathyanarayanan Setty have been examined. The records reveal that Security Deposits were required from the sweepers and that the amounts were recovered from their pay unauthorisedly though under the instructions of the Vice-President by clerk Sri K H Govindappa. It is seen that refunds at Rs 7/- per head were made subsequently. ~~A~~ Sweepers who it is learnt have abandoned service have to be paid the entire deposit amounts. The sweepers have all ~~been~~ deposed that the recovery was made by Sri Govindappa in the presence of the Vice-President and the Sanitary Inspector Sri N T Maliyappa has admitted that the recoveries were made as alleged but that the same were not taken to the Municipal Accounts. He denies the statement of Sri Govindappa that the Vice-President would keep the amounts collected.

He further states that the key of the iron safe was allowed to be with the Clerk Sri Govindappa for 2 - 3 months. Sri Govindappa says that the Sanitary Inspector was recovering at Re 1/- per head and that the amounts were with the Sanitary Inspector while the evidence given by the Sweepers goes to show that Sri Govindappa was the custodian of the moneys recovered from them. The records show that the key of the cash chest used to be alternately with the clerk and the Vice-President. The amount to be refunded to the sweepers is Rs 72/- which has therefore to be made good by the three persons concerned with the transaction viz , 1) N T Maliyappa 2 K H Govindappa and 3) the Sanitary Inspector, as suggested by the Sub Division Officer, Tarikere. It is seen that the sanction of the Municipal Council was not obtained for the recovery of the security deposits from the sweepers and that the amounts recovered were not taken to the Municipal balance as required by Rule 1 of the Municipal Accounts Manual. The President and the Vice-President, being responsible Officers of the Municipal Council should not have allowed such flagrant omissions as were noticed to occur. The same could have been regularised even at that later stage.

The Sixth Allegation is that certain amounts were unauthorisedly recovered from the boyees of the Upper Camp in Birur Town towards the value of sites.

The records disclose that in connivance with the Vice-President Sri N T Maliyappa, certain amounts were collected by clerk Sri K H Govindappa, that no receipts were granted to any of the tenderers, and that title deeds were promised to be issued. During the enquiry the boyees have deposed that they paid the amounts to Sri Govindappa. Sri Margada Mahadevappa, one of the Municipal Councillors, had also paid a sum of Rs 100/- towards the upset price of 5 sites. It is only when the title deeds were not promptly delivered to them, that the boyees brought the matter to the notice of the President. Two persons have stated that they paid Rs 20/- each to the Vice-President through Hotel Srinivasa Rao and this shows that the moneys were collected both by Sri Govindappa and Sri N T Maliyappa. Sri N T Maliyappa has stated that the clerk collected the moneys under his instructions and that he was responsible for the said collection.

- 5 -

for the said collections only after they were brought to the petty cash book of the Municipality. He ought to have been more vigilant and should have seen that the moneys were properly accounted in his presence.

It is seen from the statement of Sri K T Sathyanarayana Setty, the then President of the Municipal Council, that he called for the explanation of Sri K H Govindappa when a complaint was lodged before him by the Boyees to whom title deeds were not granted, despite their having paid the upset price. The 5 stamp papers alluded to by Sri K T Sathyanarayana Setty reveal that the said papers were purchased on 28-6-1945 and 24-9-1945 prior to the date of the Municipal resolution viz, 19-10-1945 and that Sri Govindappa had recovered the upset price much earlier with the stamp papers. There is satisfactory proof of the receipt of the amounts from the boyees. It was the duty of the official and the Vice President to have brought it to the Municipal balance. There is nothing on record to show that the President pursued the matter, apart from calling for the explanation of the clerk. As both the clerk and the Vice-President have dealt with the moneys recovered from the boyees, it is suggested that a sum of Rs 90/- due to the boyees, has to be made good by them in equal proportion.

In summarising the facts of the case, it may be stated that the records of enquiry reveal gross negligence on the part of the President, Sri K T Sathyanarayana Setty, who could have taken prompt action to regularise the irregularities then and there. There is collusion between the Vice-President Sri N T Maliyappa and clerk Sri Govindappa. The Sanitary Inspector is also involved in the commission of certain irregularities. Sri K H Govindappa and Sri N T Maliyappa appear to be consistently dealing with Municipal moneys as if they were their own and have deliberately failed to bring the receipts on the Municipal accounts and have also been responsible for misappropriation of money. It appears therefore to be a fit case for the prosecution of both Sri Govindappa and Sri N T Maliyappa. The suggestions of Sri K T Sathyanarayana Setty to drop the further proceedings in view of the punishment (suspension) already undergone by clerk Sri Govindappa for the misappropriation of paltry sums

- 6 -

paltry sums does not appear to be deserving of acceptance Also the grave negligence of the President himself appears to be mainly responsible for the occurrence of these embezzlements The mild suggestions embodied in his statement, are of a piece with the weakness of discipline that has enabled the Vice-President and the clerk to mishandle the Municipal money His failure to regularise matters even when they were repeatedly brought to his notice appears to be a serious ^{omission} ~~delinquency~~ ^{delinquency}, which seems to have encouraged the clerk and the Vice-President in their repeated delinquencies

The amounts due have to be made good as suggested in the foregoing paragraphs

In the above circumstances of the case, I may suggest that, if approved, the Clerk Sri Govindappa and the then Vice-President, Sri N T Waliyappa will be prosecuted after proper investigation by the Police, and that the negligence on the part of Sri K T Sathyanarayana Setty, the then President of the Municipal Council, may be noticed by the Government as they may consider proper I request that orders of Government may be kindly communicated at a very early date

Yours Faithfully,

hpr gamanamaiya
Deputy Commissioner,
Chickmagalur District-

HPR

Copy of letter D O No 191/47-48 dated 3rd September 1948 from the Sub Division Officer, Tarikere to the Deputy Commissioner, Chickmagalur District, Chickmagalur

====

Pegarding allegations against K H Govindappa, former
Head Clerk of Birur Municipal Office
=====

In obedience of your kind D O Letter No 43-C 1877/47-48 dated 27-3-48 on the above subject, I beg to state that the official named above was placed under suspension immediately pending enquiry on receipt of your orders. I made detailed enquiries at Birur by securing the presence of parties and giving opportunities to them to cross-examine one another, obtained the explanation of the clerk and to state as follows -

2 The allegations against the clerk Sri K H Govindappa are as follows -

i that he has misappropriated Rs 100/- realised as profits in the sale of sugar and kerosene along with his colleagues,

ii that he has misused the building materials of the old toddy-shop in connection with the construction of a building behind the Town Hall and that the building committee members have also combined with the clerk

iii that he has not been transferred from Birur, although he has served in the same place for 3 years and that he is a native of the locality,

iv that he has unauthorisedly used 20 seers of jola, 25 seers of ragi and one tin of kerosene from the Municipal stores and that the Vice-President Sri S Shantappa, Municipal Councillor, Sri S.R Subba Rao Nagabhusana Shetty, Satya-narayana setty were present and that nothing was done although enquiries were made,

v that the articles distrained for the Municipal arrears have been lost, and the Municipal clerk may be transferred,

vi that the deposits at Rs 10/- have been recovered from the Sweepers and that no accounts have been maintained and the same requires an enquiry,

vii that amounts at Rs 20/- per site were recovered from Bovies and no further action was taken

3 I made detailed enquiries at Birur giving an opportunity to the clerk Govindappa and Sri N T Myligappa, Ex-Vice-President of Birur Municipality who are alleged to be connected with the above allegations to ~~xxxx~~ cross examine each other. The names of persons that were

that were examined in this behalf are noted below -

- 1 Sri C V Hanumanthappa, Octroi Kolkar, Birur Municipality.
- 2 B Ramiah, Shanbhogue, Birur Municipality
- 3 A R Ramiah, Birur Town
- 4 H Shivanna, Conservancy Daffedar, Birur
- 5 M Srinivasulu, Contractor, Birur
- 6 Nadiga Krishna Murthy, Birur
- 7 K S Krishna Murthy, Birur
- 8 K P Krishna Murthy, Ex-Vice President, Birur Municipality
- 9 M B Mahadevappa, Municipal Councillor, Birur
- ✓ 10 N T Malayappa, Ex-Vice-President, Birur Municipality
- ✓ 11 K T Satvanarayana Setty, Ex-President, Birur Municipality
- ✓ 12 K H Govindappa, Ex-Clerk, Birur Municipality
- 13 Fakeerappa
- 14 Nagappa
- 15 Duraganna
- 16 Sm Ningappa
- 17 E Kiralamma
- 18 " Rangamma
- 19 " Siddamma
- 20 Sri Lakshmana
- 21 Sm Kalamma (Sweepers of Birur Municipality)
- 22 Sri Appanna Bovi, Elger Boi, Thimmabovi
- 23 " Beema Bovi
- 24 " Tirupati
- 25 " Thimmabovi (Residents of Bovi colony, Birur)

4 Sri C V Hanumanthappa, Octroi Kolkar, Birur Municipality has stated that about 5 years ago when the Municipality was dealing in sugar and kerosene in the Birur Town Hall, himself, Thimmayya, Ramiah and Shivanna were serving in the Municipality. He and those persons used to vend kerosene and sugar and pay the realisations every day in the evening to the Municipal Clerk and in his absence to the Sanitary Inspector. He estimated that about 90 tins of kerosene and 20 bags of sugar were sold.

When he went and requested the then Vice President Sri K R Krishna Murthy for distributing the profits realised, the Ex-Vice President replied that he would enquire, calculate and distribute the same. Subsequently, according to the Kolkar, the Vice-President resigned. Then they asked the clerk Govindappa. The witness continuing, has stated that the clerk Govindappa replied him that the profits were appropriated for the expenses towards the tea-party, photo, etc, in connection with the transfer of the Sanitary Inspector and that Rupees 100 had been earned as profits. In his cross-examination, the Kolkar stated that sugar was being vended near the Vice-Presidents' house and that kerosene oil in the open bazar. He added that in the profits realised, they used to retain 0-4-0 to 0-6-0 annas for their labour and make over the balance to the Sanitary Inspector or the clerk Govindappa. According to him, the profits would be earned for some tins and for others there would be loss. He cannot say what exactly was the total amount he paid to the clerk because the oil used to be sold by more than 2 persons. The Vice-President, according to the Kolkar, promised

- 3 -

promised to look into the accounts, and within a week or 10 days after the promise, the Sanitary Inspector was transferred and that the kolkar with others suggested that the profits might be used for the entertainment of the Sanitary Inspector ~~was transferred and that the kolkar with others suggested that the profits might be used for the entertainment of the Sanitary Inspector~~ and that it was not possible for them to contribute separately for this. Then both the clerk and the Sanitary Inspector offered to pay the amounts with them. The kolkar stated that the profits were utilised for the entertainment and that they did not contribute anything. In the matter of alleged appropriation of the jola by the clerk, the kolkar deposed that the jola was being sold in the depot at Birur Municipal Office and that when good jola consignment was received there would be keen demand. On a particular day, there was a bag of good jola and as the bag was damaged the jola was spilt on the ground and that the clerk instructed him to measure and parcel the same separately. He did accordingly. He requested along with the others for getting them a good bit of the good jola, the clerk said that he consulted Gangadhara Setty, Salesman and instructed the kolkar to keep the jola separately. The next morning, when the Vice-President (Sri N T Maliyappa) was in the office, the clerk Govindappa questioned the kolkar as to where he had kept the bag of jola which was spilt on the ground. The kolkar replied that he had kept this in the clerk's house. The clerk rebuked him and asked him to bring the same to the office and it was accordingly done and the vice present Sri N T Maliyappa witnessed it. The Kolkar explained⁵⁰⁵¹ that he kept the jola in the clerk's house with the hope of obtaining the same for himself as the stuff was good.

5 Sri B Ramayya, Shanbhogue, Birur Municipal ty has stated that he was the salesman of the town Municipal stores and that about the 22nd or 23rd they transported the food stuffs from the Municipal Office to the Musafirkhana and the stuff was being sold, that one of the jola bags stocked in the Municipality was damaged. Some jola was thrown on the ground. After the transactions in the evening, himself, Vice President, Sri S V Shantayya, R Subbaraya, Clerk Govindappa, Srinivasavva were gathered in the Municipal office checking the collections. Peon Rudrapa was asked to collect and measure the jola that was thrown on the ground. Rudrapa and Hanumanthayya measured it, it was found to be 17 seers.

After the cash was counted this jola bag was missing Shantayya questioned and all the persons present said that they were not aware of it. In the meantime, the peon Rudrappa had gone away. He was got and questioned by the Vice President. According to Sh^{ri} Ramayya, Pudrappa said that the clerk Govindappa sent the jola bag with Hanumanthayya kolkar to his house and Govindappa admitted it. This was reported to the President and this witness was not aware what happened thereafter. The witness further stated that 20 persons of Bovi community visited the Municipal Office with Sri Mahadevappa, Municipal Councillor when the Vice-President along with Shantayya and clerk Govindappa were present. The vice President (Sri N T Maliyappa) instructed Govindappa to receive the amount from the Bovies towards the cost of sites. The Bovies paid the amounts to the clerk and got their names entered. Mr Mahadevappa paid Rs 100/- Some paid Rs 20/- and some others paid 10/- ~~Some~~ According to this witness, no receipt was issued. Bovies reminded for their title-deeds and the clerk promised to get them the same.

6 The next witness examined was peon Thimrayya, Municipal Office, Birur. He stated that when the sugar and kerosene were being sold by the Municipality he was entrusted with the work of measurement along with the octroi peon Hanumantha, Rama, and conservancy daffadar Shivanna. The clerk Govindappa, according to this witness was receiving the money and accounting the same. Sri Krishnamurthy was the then Vice-President. He along with others were promised a share of profits by the Vice President. He concluded ~~by~~ saying that he learnt subsequently from Govindappa that profits were appropriated towards the Tea party and that there was no balance and that he did not claim anything thereafter.

7 Another witness examined was A R Ramayya, Kolkar, Birur Municipality. He corroborates kolkar Hanumanthappa and Thimmayya in the matter of sale of sugar and kerosene through the Municipality and also as to the payments of daily collections to the Clerk Govindappa and the Sanitary Inspector. According to him 40-45 tins and 5-6 bags of sugar were sold in a period of about 3 weeks and 0-12-0 profit per tin would be realised. The vice president is stated to have promised him that the amount would be utilised for some useful purpose. He was not aware.

= 5 =

He was not aware as to how the amount was appropriated. In his cross examination, he corroborated C V Hanumanthappa and stated that he would keep 0-4-0 annas for each tin and make over the balance. He further stated that he agreed to the profits being utilised for the entertainment of the then Sanitary Inspector who was transferred.

8 The next person that was examined was Tirumulachar, Sanitary Inspector of the Municipality. He was not personally aware of the sale of sugar and kerosene. He was also not aware of further details regarding the utilisation of building materials of the old toddy shop for the construction of the new building apart from the details in the measurement book. He did not know the details regarding furniture. As regards the removal of jola he said that records were with the President.

9 The next person examined was H Shivanna, Conservancy daffedar, Birur. He stated that during the year 1942-43 when sugar and kerosene were sold through the Municipal stores, they were making over daily realisations to the clerk Govindappa and that when he requested the Vice-President (Sri Krishna Murthy) and Sanitary Inspector for the disposal of the profits, the Vice President informed them that the profits were not with him and it was with the clerk Govindappa. The building materials of toddy shop were transported under his supervision to the Municipal office. This witness is not personally aware of the recovery of the upset price from the bovies. He stated that security deposits at Rs 10/- for the male sweepers and Rs 9/- for the female sweepers were recovered from their pay and given to the clerk. He was not aware of the refunds of security deposits to the sweepers. He stated that four sweepers (Nagamma, Muniswamy, Station Nagamma, Nagamma wife of Papa) were removed. Regarding the removal of jola he was not personally aware of any details. According to him 24 zinc sheets were kept in the office and he took 6 with the permission of the clerk and the Sanitary Inspector and he returned the same to the President after a month and the remaining were with the vice president (Sri N T. Malivappa) and that 15 sheets were used for the shed of the water works, 4 zinc sheets were sent to Sri Krishna Murthy's house (son of Sri Subba Rao, Municipal Councillor) and that he was not aware of their return. In his cross-examination the Conservancy daffedar stated that sugar and kerosene were sold for some time in the Bazar and for some time sugar was sold in Sri Krishnamurthy's shop (Ex-Vice President). He was not definite as

as to who exactly were selling and only a portion of the profits were being given to the office. He stated that he paid the sale realisation to the Sanitary Inspector. He admitted that a tea party was given at the time of the transfer of the Sanitary Inspector and that he did not contribute anything. He was not aware as to how the building materials of the toddy shop were disposed of.

10 The next witness enquired was Sri M Srinivasa Rao, Contractor, Birur. He stated that he was the supervisor for the construction of the two rooms behind the Municipal Town Hall and that he had constructed the same. According to him, the materials of the old toddy shop were utilised for the new building inclusive of 131 zinc sheets, beams, stone-pillars, slabs, and size stones. He further stated that he made over the dismantled building materials to the then octroi clerk M N Krishna Rao and that they were heaped in front of the Municipal Office. Some pillars and some beams were utilised for the new building and the unserviceable slabs and pillars, damaged wooden pieces were sold by the Municipality.

11 Nadiga Sri Krishnamurthy, another resident of Birur was examined. He stated that for the Municipal arrears due by him in Nos 34/44-45 his moveables consisting of a brass thappale and a copper pot were detained by the then Sanitary Inspector and that he applied to the Municipality, Sub Division Officer, Deputy Commissioner for the return of these properties.

12 R Krishna Murthy, son of Subba Rao, Municipal Councillor has admitted that about nearly 2 years ago, he borrowed 4 zinc sheets with the permission of the then Vice President and the Sanitary Inspector for covering his leaky roof and that they are with him. In his further statement he stated that he returned these subsequently to the Municipal office and that no acknowledgment was available with him.

13 Sri K R, Krishna Murthy, Ex-Vice President of the Municipality stated that sugar and kerosene were being sold through the Municipality and as the amount at the credit of the Municipality was small, he had financed for the same and that he instructed the clerk Gogindappa to keep accounts for the profits and to dispose of the same with the concurrence of the Municipal Council. The sales were done by the

The sales were done by the clerk and office peon. He advanced Rs 300/ only once. He was not aware of the quantity sold. According to him the accounts were with the clerk and he checked the same. He concluded by saying that he resigned in the meanwhile. In his cross examination he denied having kept the profits with him and that he directed the Head clerk to sell the ^{oil} ~~oil~~ and kerosene and the clerk Govindappa had the profits.

14 The marginally noted sweepers have stated jointly that the dearness allowance sanctioned to them were withheld by the Ex-Vice-President Sri N T Aliyappa and that when they demanded the same from the Vice President Sr N T Aliyappa, they were told that it was withheld as security. They further stated that in the first instance

<u>1</u> Sri	Rs 5/- for each sweeper was withheld. Thereafter every
1 Fakeerappa	month Rs 1/- was being withheld to make up the
2 Durganna	security deposit of Rs 10/- for a male sweeper and
3 Nagappa	Rs 9/- for a female sweeper. They were paying the
4 Thimmasasari	amount to the Municipal Clerk Govindappa. They stated
5 Abbaiah	that the accounts might be with the vice president
6 Laxman	or president. Continuing, they stated that when they
7 Channapellay	were hard-pressed for money due to food control,
8 Sm Ningamma	
9 " Fakeeramma	
10 " Kiralamma	
11 " Chikkamma	
12 " Rangamma	
13 " Siddamma	

they demanded refund of the deposit from the Vice President. The President issued instructions for the refund. They admitted that the clerk Govindappa refunded Rs 5/- per head. Two months after this they reminded the vice President. Then the President issued instructions to the clerk to refund. The clerk took them to the vice President and refunded Rs 2/- per head. In conclusion, they said that they have yet to receive at the rate of Rs 3/- for a male sweeper and Rs 2/ for a female sweeper. According to them 4 sweepers have not been paid the entire deposit amount (4 sweepers, Gangappa, Gurunna, perumal, Kannamma). All these sweepers urged for their refunds. In their cross examination Fakeera, Durga, Nagappa, Nagamma, Kiralamma, Rangamma, Siddamma, Laxmana and Oblamma stated that the instalments towards the deposit were being recovered by the clerk in the presence of the Vice-President and Sanitary Inspector. Fakeera has stated that the amount was recovered under the instructions of the Vice President and that he was not aware as to who kept the amount. Durga and Naga have affirmed this.

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15 1 Chinnabovi 2 Bheemabovi 3 Narabovi 4 Appanna bovi and 5 Ulagabovi stated ^{that} they along with 20 others visited the Municipal Office. Then clerk Govindappa Sri Margada Mahadevappa Sri S V Shantayya and Bill Collector Ramayya were in the office. They paid Rs 20/- each as upset price towards the vacant sites allotted to them to Govindappa clerk. Appannabovi paid Rs 10/- The above persons witnessed it. Sri Margada Mahadevappa paid Rs 100/- towards his kulas. The bovies named above have not yet received their title deeds. They ~~xxx~~ reminded Clerk and the Vice President, and the Vice President is stated to have told them to deposit the amount and then the sites would be sanctioned. Bheemabovi, Appannabovi in their cross examination stated that they paid Rs 20/- each to the clerk in the presence of the Vice President and that the clerk promised to issue a receipt shortly. Subsequently they stated that they paid the amount first to Vice-President who made over the same to the Clerk. Tirupathi and Thimmabovi stated that they requested the Vice President to adjust Rs 20/- due to them in the matter of supply of jelly to which the vice president did not agree. The amount due to them towards the jelly was settled in full. Ulagabovi Chinnabovi stated that they paid the amount to the clerk in the presence of the Vice President Sr Shantyayya Mahadevappa Subbaraya and Shanbhogue Ramayya and that no receipts were issued and they even delivered the stamp papers and they did not get the orders though pressed and they were promised redress shortly. This was brought to the notice of the President also. They corroborate the statement of the Vice President that there was a panchayet in the Saw Mill in which it was decided that the clerk should pay half the money to which the clerk did not agree. They said that the clerk got the stamp papers. Tirupathy and Thimmabovi stated that they paid Rs 20/- each to the Vice President for the sites in his house through the Hotel Srinivasa Rao and no receipt was issued and that sites were not granted.

16 Sri Margada M B Mahadevappa another Municipal Councillor corroborates the statement of Boyees and added that the clerk Govindappa made a note of the same in his note book and no receipts were issued and that he on the same day paid Rs 100/- to the clerk Govindappa towards the cost of sites of 5 boyees under his charge and that he did not issue receipts. He admitted that he received the title deeds of his kulas. In his cross examination he said that the

that the Vice President instructed the clerk to receive the amount and note down the same and that the clerk acted accordingly

17 The next witness examined was Ex-Vice-President (Sri N T Maliyappa). He stated that the transactions relating to the sugar and kersoeene were not carried out in his time and the clerk Govindappa told him that the profits earned were disposed of otherwise and the accounts were with Sri Krishna Murthy (Ex-Vice President). As regards the missing of the furniture he stated that he was not aware of the entry in the furniture register to the effect that two armed benches were with him and that he took them for mill-opening ceremony on the 2nd and that he returned them on the next day and that they are in the office and that he was never looked into the stock register of furniture. According to him, the Sanitary Inspector did not produce the distrained articles belonging to Sri Nadaga Krishna Murthy on the day of sale and that the sale was adjourned. In the meanwhile, the Sanitary Inspector was transferred and that on a complaint made to the Deputy Commissioner, the concerned Sanitary Inspector came over to Birur and distrained articles were returned to the parties. When the Municipal Stores was being run, the salesman Gangadara Setty came and reported that there was shortage of jola in measurement and that the Head Gumasta removed the same and that he issued instructions to report the matter to the President for taking necessary action and that he subsequently learned from the President that there was no proof. He was not aware as to who had the key of the stores and he added that the stores was run on the responsibility of the President and the salesman was related to the President. He admitted that recovery of the deposit amounts from the sweepers, was as a measure of security, that they might run away with implements entrusted to them. The deposits were being taken by the Sanitary Inspector or clerk Govindappa and that they have not been taken to the Municipal accounts. The deposits were taken in his presence and the list was with the clerk and he got a portion refunded including those resigned. When the Sanitary Inspector was transferred he made over his charge to the clerk. ~~The accounts might be with the clerk or with the Sanitary Inspector in the office or with the clerk.~~ He further said that he has not got this amount and it may be with the Sanitary Inspector or the clerk. He denied the statement of the clerk that the accounts and deposit amount with him and added that he had even entrusted him with the key of the Iron Safe and that he took

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he took back after 2 or 3 months. On a particular day voddars came to the Office and credited Rs 20/- being the cost of sites that, that he had asked the clerk to receive the amount and issue receipt and he received the amount from 10-12 persons and that receipts were issued to them and sites were granted. Subsequently 3-4 boyees complained that they were not given the sites although they paid the amounts to the Clerk. He asked for the explanation of the clerk and *he did not give his explanation when he asked the clerk* after 2-3 days, the clerk replied orally that he has not received the amount. After the clerk was transferred, the President informed him that 2-3 stamped papers on which the draft orders of grant were written were brought for his signature and he declined to sign as the amount was not credited and the President kept by these stamped papers. All the zinc sheets except 20 condemned zinc sheets were sold. They were in the custody of the Sanitary Inspector. These zinc sheets along with the 8-9 used for the mutton stall were kept in the 2nd floor of the Town Hall and 30 out of these were used for the water works shed and that Shivanna returned 6 sheets that he had borrowed. He was not aware of the zinc sheets borrowed by Sri Krishna Murthy. He concludes by saying that the zinc sheets was the property of the Municipality and that he had never appropriated them for his personal use and denied the statement of shivanna that he utilised the zinc sheets. He added that Shivanna was suspended previously and that he might have some malice towards him. In his cross examination, Sri N T Maliyappa (Ex-Vice President) stated that security deposits were taken on the report of the Sanitary Inspector and that these amounts were not taken to Municipal Accounts and that a portion of the deposit amount might have been refunded and that the list might be in the office. The amounts were being recovered by the Sanitary Inspector and the Clerk Govindappa and that he initialled the list and stated that the list was with the clerk. The amount used to be with the clerk and Sanitary Inspector and that he inferred that the amount might be with the clerk and that he did not see it and stated that the amount might be in the Office. He did not remember what explanation was offered by the clerk Govindappa on the complaint of boyees. The stamp papers were seized by the President when they were taken by the clerk for signature.

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for signature and subsequently came to his notice and that he did not remember who enquired into this and that no memo was issued to the clerk ^{when} he was transferred in this matter, that on a particular day in the Saw Mill the Voddars who had paid the amounts approached him, then Subba Rao and Shantaveerappa were present. The clerk was sent for and Voddars were asked to waive half the deposit amount and the clerk was asked to pay the balance and settle the matter amicably to which the Voddars and the clerk were stated to have agreed. The Vice President admitted that he was responsible for the cash after the entry in the petty Cash Book and that there was no misunderstanding between himself and President, and that the clerk had money transactions with the President who had more confidence with the clerk. There was some disagreement between himself and the President in the matters regarding Municipal depot. The President according to him kept the stamp papers after he learnt that the amounts were not credited. The Vice President further stated that 2 boyees Tirupathy and Thimmabovi requested for adjusting Rs 20/- due to them towards the cost of sites.

18 The President who was enquired into the matter stated that the transactions relate to the Sugar and kerosene did not take place during his time. He further stated that the auditor raised certain objection regarding the ~~taxi~~ utilisation of the old toddy shop building materials for the construction of two rooms intended for the High School and that the Sanitary Inspector was responsible for this and that he may be asked to properly account for the same. In the matter of removal of jola, the President has stated that the clerk was warned and that he was removed from the charge of Depot and concerned records were with the present President. In the matter of missing zinc sheets he had taken action. 13 zinc sheets from the Vice President were recovered and given to the water works. He further stated that the Sanitary Inspector reported that Sivanna returned 6 sheets and that they were given for water works and that 15 zinc sheets had yet to be traced and action was taken in this behalf. According to him 14 zinc sheets were shown as outstanding against Amildar, Kadur in the stock register, the Amildar replied that he was not aware of this.

Continuing he stated that the Municipal Council resolved to grant

resolved to grant sites to the boyees. Accordingly the sites were granted to some boyees. On the complaint of Appanna Boyi, Ulagabovi, Chinnabovi, Bheemabovi, Yellaboyi stating that they paid Rs 20/- per head to the clerk for the sites and that they did not receive the grants and that the clerk had not submitted the explanation and that the clerk was transferred. He was in the office at the time of preparation of charge list and that stamp papers relating to the 5 boyees stated above were in the Clerk's Almirah and that he took charge of them. On examination of stamped papers it was found that one of them was purchased on 28-6-1945 and others on 24-9-45. He added that stamp papers were purchased prior to the Municipal Council resolution to sanction sites to the Vaddars and suggested that the stamp papers might have been obtained by the clerk much early. The title-deeds are written by the clerk and the value of these 5 sites have not been credited to the Municipal Funds. On the complaint of sweepers for the refund of security deposit amounts, he instructed the Vice President for refund. The Vice-President told him that the accounts were with the clerk. The amount was not taken to Municipal Balance. As regards the missing of distrained articles of Sri Nadiga Krishna Murthy, the Sanitary Inspector subsequently came down to Birur and got receipt from the party to the effect that he received the articles. In conclusion, he stated that the clerk Govindappa was an experienced official and did Municipal work satisfactorily and that as the official has suffered suspension for four months, the entire proceedings may be dropped as the amount involved was small.

19 Clerk K H Govindappa has been examined and he has submitted his explanation. He stated that he was a clerk in the Birur Municipality from the year 1942 when the Kadur Amildar was the Ex-Officio President and Sri K R Krishna Murthy was Vice-President. Owing to the scarcity of kerosene and sugar the Vice President obtained permission to deal in these commodities. This was not authorised by the Municipal Council nor financed from the funds of the Municipality. The Vice President used to advance his personal money for dealing in the commodities and sugar was being sold in his own shop. The kerosene was being sold near the office by the peons under the supervision of the Sanitary Inspector. The daily realisations were paid to the Vice President. He said that the profits might have been shared among the peons and accordingly it was done. The

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The clerk had no accounts / The old building materials ~~in~~ of Toddys shop were removed under the supervision of the Sanitary Inspector and used for the new building and the entire records in the office. A portion of these materials was sold in auction / The articles distrained were not in the custody of the clerk and they were with the Sanitary Inspector and 2nd clerk / He continuing said, that in the Municipal stores there was some jola thrown on the ground and the peons requested him for the same and that with a view to help them, he got it measured and bagged the same in consultation with the Gangadharashetty, Salesman. He intended to distribute the jola among the peons next morning with the permission of the Vice-President. The peon kept the bag in his house by mistake. This was returned next morning to the office and it was sold in the depot. The connected records were with the President. He denied that he even took ragi as also kerosene for his own use / He admitted that deposits were being recovered from the sweepers as a hold on them as they were frequently running away with the implements and there were many such instances and that the Sanitary Inspector suggested this device to the Vice-President. Accordingly the clerk stated that the Sanitary Inspector was recovering Re 1/- per head with the intention of returning the same when they retired from the service. The maximum amount of security was fixed at one month's pay and he (Sanitary Inspector) used to keep the same and that he had a list with him. These amounts had not been taken to Municipal balance. A portion of these deposits was refunded and the balance was with him (Sanitary Inspector). The clerk denied that he had any accounts / Continuing he stated that the Municipal Council resolved to grant sites in the boy colony to boyies. Accordingly, the boyies visited the Municipal Office when the Vice-President was present and the Vice-President requested him (clerk) to prepare a list of boyies as sites were not assigned. He prepared the list. He stated the amount was with the Vice-President and no receipts were issued and the amount had not been taken to Municipal Balance. Continuing, he stated that as and when the sites were demarcated, the Vice-President used to grant receipts and title-deeds, and that there were some cases in which grants were not made. He denied having any accounts and money and added that he was not authorised either to receive the amount and issue receipts and he acted as per orders of the Vice-President /

In ~~his statement~~ his further statement, he stated that he served in the Birur Municipality from the year 1942 to July 1946 as clerk and there was misunderstanding between Vice-President and Municipal Councillors and that the daily realisations relating to the sale of sugar and kerosene were being made over to the then Sanitary Inspector Sri K Venkataramanachar and the Vice President and the sales were conducted under the supervision of the Sanitary Inspector and that he used to make over the amount to the Sanitary Inspector. The total profits realised so far he is remembered amounted to Rs 15/- to 20/-, and the Sanitary Inspector and the peons agreed to appropriate this amount to a tea party and it was spent for the same at the time of transfer of the Sanitary Inspector. In the matter of the removal of the jola he said that he did not remove it and it was taken to his house by mistake by the peon and it was returned and the same was included in the general stock and sold. Final orders have been passed in this case. The deposits from the sweepers used to be recovered in the presence of the Vice President, Sanitary Inspector and Octroi Clerk and that he used to prepare the list of recoveries and hand over the list to the Vice President every month after his signature. In the matter of refund of the deposits, the clerk stated that acknowledgements were obtained from the sweepers and that the Vice President had got this list and when the clerk was transferred he was not questioned in this behalf and that he had not got the amount or the list. Continuing he stated that as per instructions of the Vice President he received the deposit amount in advance and prepared a list and made over the same to the Vice President and 7 to 8 persons were given receipts and title-deeds subsequently and that he had written the draft of the title deeds on the stamp papers as usual and that receipts ~~xxx~~ and the grants ~~used~~ to be given simultaneously and that when he was transferred he handed over 3-4 stamp papers to the Vice President. He had no authority to receive the amount as clerk and that either the Vice President or the President did not question him when he was transferred. The allegations against him have no basis. According to him, there was mis-understanding between Sri K T Satyanarayana Setty and Sri N T. Maliyappa. Regarding certain office matters and that he thought that these petitions were got written and that he was recommended for retention in the municipality when he was transferred and sought for relief.

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In his cross examination, he stated that the permission of C Krishna Murthy was not sought for tea party as he was not the Vice-President then and that the amount was with the Sanitary Inspector and that he received the amount only for 2 days when the Sanitary Inspector was absent. In his cross examination by the sweepers Fakeera, Naga and Durga, he said that he prepared the list of recoveries and made over the same to the Vice President with the cash and that refunds were noted there and that the same was with the ~~Vice President~~ ^{Vice President} ~~with the~~ ^{with the} cash. In his cross examination by the Ex-Vice President (Sri N T Malliyappa) the clerk stated that he listed the names of the boyies under instruction from the Vice-President in his presence and received the amount and that the stamped papers were delivered to the President by the Sanitary Inspector and that he did not agree to share half the cost of sites of the boyies and that he used to write the list showing the receipts and expenditure of the deposits receipts when he was present and would keep the list and the cash in the Iron Safe and hand over the key to the Vice President and that he cannot remember as to whether the key of the safe was with him or not till there was a theft in the Municipal Office.

The 1st allegation against the clerk is that he has misappropriated the profits realised in the sale of sugar and kerosene through the Municipality in the year 1942. There is conflicting evidence as to the amount realised in the sale, but it is clear from the evidence of C V Hanumanthappa, Octroi Kolkar and the peon that the profits realised ranged from Rs 15- 20/-, and odd. There is also evidence of the Municipal staff and the then Vice President that the profits were appropriated for Tea-party and photo on the occasion of transfer of the then Sanitary Inspector Sri Y Venkataramanachar. The Octroi Kolkar, the peon Ramayya say that they used to make over the amounts realised in the sale to the Sanitary Inspector and the clerk. There are no record or accounts to fix the responsibility as to who received the amount and how much of it was received etc., The transaction regarding sugar and kerosene was conducted aaman and the then Vice-President has admitted that he advanced the money for transactions when the Amildar was the President of the Municipality. There was

There was no Municipal Council resolution, nor was any amount advanced by the Municipality. The present anonymous petition was made after the clerk was transferred and it was the duty of then Officials in charge of the Municipality to have seen to the actual accounting and appropriation of the profits. There is evidence also to show that there was mis-understanding between some of the Municipal Councillors, Vice President and the President. The clerk has stated that he has no accounts and the profits were not with him and they were appropriated for the tea party. In the absence of any amount being advanced by the Municipality and proper authorisation in this behalf and proper records, it is rather difficult to fix the responsibility on the clerk. I feel that both the clerk and the Sanitary Inspector will have to make good the amount which may be estimated at Rs 50/-

In the matter of dismantled articles of old toddy shop, there is evidence of the contractor Srinivasa Rao to show that the work was entrusted to the then Sanitary Inspector Sri Satyarthi. The materials intended to be used for the construction of 2 rooms for the High School behind the Town Hall and it is learnt that the work was done by the then Sanitary Inspector under the supervision of a committee appointed by the Municipal Council. The auditors have objected for the materials being used for the building intended for the High School. The objection will have to be answered by the Municipal Council. The clerk Govindappa has nothing to do with this and there is practically no evidence.

The next allegation is that the clerk removed 17 seers of Jola from the Municipal Stores without the notice of anybody of the Municipal Depot. In this case, enquiry was held by the Municipal President and the Clerk was warned by him and asked not to take part in the Municipal depot affairs. The records in this behalf are with the present President. The explanation offered by the clerk is that he instructed the peons to bag the jola that was spilt on the ground with the permission of the depot salesman Gangadarasetty and to keep it. He explained that he intended to distribute the same among the peons and the peon Thimmayya removed the jola to his house by mistake. This mistake he states was brought to the notice of the then Vice President (Sri N T Maliyappa) and the Jola was returned to the Municipal Stores.

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to the Municipal Stores and was sold. There is the evidence of the Kolkar C V Hanumanthappa in this behalf. As the matter is already decided by the then President, I feel that it will not serve any purpose at this distance of time to reopen the question as jola was returned and disposed of and the quantity involved was small.

Another allegation is that the properties of Sri Nadiga Krishnaswamy which were distrained were missing from the Municipality. There is evidence of Nadiga Krishnamurthy to show that the articles were distrained and kept in the office but not entrusted to the Municipal Clerk. These articles were not produced on the date of sale. It appears that the Sanitary Inspector who was responsible for the safe custody of articles subsequently came to Birur and settled the matter with the concerned party. The clerk Govindappa is not connected with this at all.

In the matter of security deposit amounts received from the sweepers there is the evidence of the sweepers to show that the deposits were recovered from them upto one month's pay i.e., Rs 10/- for male sweeper and Rs 9/- for a female sweeper under the instructions of the Vice President by the clerk. The sweepers also admitted that a portion of the deposits were refunded to them in two instalments of Rs 5/- and Rs 2/- and they are to be paid the balance. Two of the sweepers who left the service in the middle have not received their amounts back. Some sweepers are dead. The explanation of the clerk is that the deposits amounts were recovered and left in the custody of the Vice-President along with the list prepared in this behalf. These amounts have not been taken to Municipal Accounts. The Vice President has explained that the amounts were recovered from the sweepers as they used to run away with the implements belonging to the Municipality. He stated that the amounts recovered were with the Sanitary Inspector and the clerk. The President with whom the matter was discussed stated that the sweepers complained for the refund of the amount by the Vice-President and the Clerk. Afterwards nobody complained to him. In this respect, there are no accounts to show the amounts recovered, and the amount refunded, nor are these amounts brought on the Municipal accounts. It is rather difficult to fix the responsibility regarding the persons with whom the balance remains. The contention of the clerk

The contention of the clerk is that he was only a clerk and cannot be expected to receive and keep the amount himself and that if he has any amount, he ought to have been questioned in this behalf at the time of his transfer. He is persistent in his saying that the balance of deposit amount and the accounts are with the Vice President (Sri N T Maliyappa). The amount due in this case amounts to Rs 72/- approximately and will have to be made good by the then Vice-President Sri N T Maliyappa. Sanitary Inspector and the Clerk who were responsible for the recovery and disposal of this amount without the formal sanction and accounting of the same.

In the matter of the amounts recovered from Boyies towards the cost of sites there is evidence to show that the amounts were recovered at Rs 20/- each from 4 boyies and Rs 10/- from one Boyi and in all Rs 90/-. According to the evidence, the amount was recovered in the Municipal Office in the presence of the Vice President and some respectable Municipal Councillors. The amounts were recovered by the clerk and a note was also made to this effect. No receipts have been issued nor the sites sanctioned. The explanation of the Vice President is that the Boyies came to the office and he asked the clerk to receive the amount and issue receipts. When there was a complaint, he called upon the clerk to submit his explanation. There were 5 stamped papers on which drafts of grant orders were written in favour of them. They were seized by the President from the records of the clerk at the time of handing over the charge ~~of~~ to the Sanitary Inspector. The Municipal Council resolution was on 19-10-1945 to grant sites to Boyies in Bovi colony and the stamp paper on which the orders of grant were written by the Clerk Govindappa were purchased on 28-6-4 and 24-9-45 prior to the passing of the resolution. The clerk explains this that it was the usual practice to receive stamp papers earlier and to issue them as and when the amounts were credited. There is clear evidence for the receipt of the amount and it was the duty of the Vice President and the clerk to have brought these amounts on the Municipal Balance and arranged for the issue of grants. There is evidence to show that Vice President used to hand over the key of the safe to the clerk and the clerk used to return it. It clearly shows that both the Clerk and the Vice President had confidence in each other.

had confidence in each other in the way they have dealt with the amounts recovered. It is argued by the Clerk that he was only a subordinate and acted according to the instructions of the Vice-President and that he has no accounts or money. The Vice President also says that the clerk has got the accounts and the money. In my opinion, both the Vice President and the Clerk will have to make good the amounts i.e., Rs 90/- or to prove conclusively that they are responsible for these.

As regards misusing zinc sheets, according to the stock register maintained by the Municipality, 49 zinc sheets were missing. Out of the above missing, 13 were with the Vice President, 6 with Municipal Maistry Shivanna and 4 with Municipal Councillor Sri R S Krishna Murthy. All these are stated to have been returned to the Municipality. 14 zinc sheets are shown as outstanding against the Amildar, Kadur taluk. The Amildar has reported that he does not know anything regarding this. 15 are stated to be still missing. I discussed the matter with the present President. He stated that the Municipal Council have since resolved to write off these losses and missing zinc sheets.

In brief, I wish to state that the Clerk is free of blame in connection with 1) materials belonging to the old toddy shop, 2) missing of distrained articles, 3) missing and misusing of zinc sheets. But he has to account for the profits realised out of kerosene, sugar along with the then Sanitary Inspector.

2) He along with the Vice President will have to account for the remaining deposits of the sweepers, 3) and he has also to account for the amounts recovered from boyies along with the Vice President.

The then President of the Municipal Council (Sri K T Sathyanarayana Setty) appears to know all these things. Sustained action does not appear to have been taken in the matter. There is also some truth in the report of the Amildar that there was ill-feeling between the then Vice President (Sri N T Maliyappa) and the then President (Sri K T Satyanarayana Setty) and the present anonymous petition appears to be the result of the mis-understandings. All these incidents are over 3 years old and the transactions relating to kerosene and sugar are over 5 years old. All these could have been set right by the then President long back by bringing them to the notice of the

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them to the notice of the concerned authorities. It appears that clerk was proposed for transfer from Birur Municipality twice or thrice, but the President appears to have interfered and got the proposals stopped. These irregularities were known to the President and Vice President and it would not have been possible for the clerk to have committed these irregularities unless there was some ~~xx~~ encouragement from the Vice-President.

The clerk has been kept under suspension since 1st April and has submitted an appeal stating that he was not responsible for most of these irregularities and that he acted only under the instructions of the then Vice-President to whom he was subordinate and has prayed for reinstatement. This clerk is already transferred to Kadur Taluk Office. The enquiry has been completed and the clerk states that he may be restored as he has been kept under suspension pending further enquiry into the allegations. In this case, the Officials and non-officials are both involved in the commission of irregularities. The Ex-President (Sri K T Satyanarayana Setty) to whose regime all these irregularities relate has suggested that further proceedings in this matter may be dropped as the amount involved was small and the clerk concerned has suffered suspension over 4 months and it has created in the Official a feeling of repentance and that he is an experienced hand and has done his work satisfactorily and has also suggested for the recovery of the amount involved from the concerned persons.

In these circumstances, I am inclined to agree with the opinion of the Ex-President Sri K T Satyanarayana Setty and submit that the amounts due on account of the deposit of Sweepers may kindly be ordered to be made good by both the Vice President Sri N T Maliya the Clerk (Govindappa) and the then Sanitary Inspector, and the amount due on account of the Bovies from the Vice President and the clerk. The clerk as recommended by the Ex-President may, if approved, be kindly be ordered to be restored with severe warning in view of long service for over ~~xxxxxxxx~~ ten years and past good record and, further proceedings in the matter, if approved, be dropped after recovery of these amounts as suggested by the then Ex-President, Sri K T Satyanarayana Setty. This I think will go a long way in

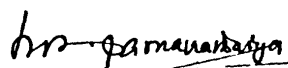
- 21 -

will go a long way in restoring Public Confidence and harmony
in the administration of Local Bodies

Entire records accompany.

~~~~~

"" Copy ""

  
Deputy Commissioner,  
Chickmagalur District  


HPR.



To  
The Honourable Minister,  
Local-self Government,  
Bangalore

|                                                        |       |
|--------------------------------------------------------|-------|
| OFFICE OF<br>THE MINISTER FOR<br>LOCAL SELF GOVERNMENT |       |
| No                                                     | 1325  |
| Date                                                   | 24/11 |



Respected Sir,

Sub - Allegations against K H Govindappa, Head Clerk  
Municipal Office, Birur

With reference to the above I beg to state that a detailed enquiry was conducted by the Revenue Sub-Division Officer Tarikere. I learnt that a report in the matter has been submitted to Government by the Deputy Commission, Chikmagalur District.

*16/11/48*  
*A report*  
*may be*  
*called for*  
*from the*  
*recomm.*  
*Rev Secy*

In this connection I beg to submit that I have furnished a written explanation to the Sub-Division Officer and that in the circumstances explained there in I am not guilty of any offence as every thing done by me was in good faith for bonafide purpose. I beg to make the matter more clear in the following few lines -

The main irregularities alleged to have committed by me is that I misappropriated certain amounts collected from sweepers and the boyees. Under the direct supervision and instructions of Sri N T Maliyappa then Vice-president, Birur Municipality, I have collected the amounts in his presence. Though I brought it to the notice of the Vice-president that these amounts should be taken to the cash book immediately on their receipt as required by rules, I was instructed that the transactions should not be brought to cash book till final settlement of lands are made to the applicants. I was asked to prepare a list showing the names of persons from whom recoveries were made. The amounts collected used to be handed over to him then and there as I had nothing to do with the cash.

*23/11/48*  
*24/11/48*

The Vice-president and certain colleagues of his used to inspect the sites proposed to be given to the Voddars and grant the title deeds after a few days, when the transactions would be accounted. Till then the amounts used to be in the custody of the Vice-president.

I have never handled the cash of the Municipal Office except under the Vice-president's direct supervision, and under his own responsibility.

*24/11/48*

Lastly I beg to submit that I was placed in a very ~~precarious~~ precarious condition so long I was in the said Municipal Office as disobedience of the instructions ~~of the~~ of the Vice-president would have placed me in an awkward position. Though I knew full well that the transactions ~~would~~ would lead to serious omissions and irregularities, I could not help obeying the instructions.

I had also brought it to the notice of the President and I could not think of any other superior authorities as Vice-president and President were the important officers of the Municipal Council, who should have conducted themselves as per rules.

I have been under suspension since 3-4-48 pending enquiry into the matter. It is the poor Government servant that has been made to suffer for the irregularities committed by the above officers.

As I have been suffering ~~from~~ without pay in these hard days with a responsibility to maintain a big family entirely dependant on me, I beg to request your benign self to kindly consider my case sympathetically and order my reinstatement ~~forthwith~~ forthwith so that I may serve the Government and earn my livelihood. If deemed necessary my Service Register and Character Book may kindly be called for. It will be seen that I have served for more than eleven years without any blemishes.

For which act of kindness I shall ever remain grateful to you.

I beg to remain

Sir,

Your most Obedient Servant

K H Groundappa

Chief Taluk Officer

Kadur on

Sondapet

4/ 15-11-48

G R S App F VI—G 2]  
SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )  
the 193

Date of issue 5-3-1939

Signed by

S. G. M.

May this be—

- (i) printed ?
- (ii) treated as a standing order ?
- (iii) published in the Gazette English Part ?
- (iv) translated ?
- (v) placed at the disposal of the press ?
- (vi) published in the Gazette Kannada Part ?

*to copy*

Section

*ml*

File No

*91-48*

Serial No

*6*

Proceedings of the Government of  
His Highness the Maharaja of Mysore

Read— Correspondence ending vol  
with letter no A-3 c 1877/42-43<sup>nd</sup>  
dated 6-11-48 from the  
Deputy Commissioner,

Chickmagalur Dist,  
furnishing a report of the  
requesting orders in the  
entry into the allegations made  
Circumstances stated

to prosecute, after proper  
Order thereon. No

investigation by  
the police, the clerk Smt  
about Smt  
K H Govindappa, clerk

Binn Town ml office and  
Smt N-T Matangappa the then  
vice president, who were  
alleged to have been  
colluded and is in

in misappropriating the  
stock and the Cash in  
the Birm Municipal grain  
depot and in the ml office,

Order No L 10131-4/ME 91-10-6

From a perusal of the evidence 9/3/69,  
recorded and the report of enquiry,

Magt are satisfied that

~~there is sufficient evidence~~  
~~to believe that the clerk, Sri~~

K H Govindappa, <sup>is responsible for a</sup> ~~who is under~~  
number of the irregularities which have led to  
~~suspension, is not fit to~~  
place in the Birm Municipal office and in  
hold charge of his office  
the Food Grains depot. They therefore direct that he ~~be~~  
~~and his services may be~~  
~~dismissed from service~~  
~~disposed of immediately.~~

The amount due from him  
may be recovered and the  
prosecution may not be  
launched against him

List of Enclosure

To  
The Sec Chickmagahalli ✓  
The Comptroller to the ✓  
The Pdt Birm Town Mlc ✓  
The P S C. ✓

Copied by

Examined by

for In  
for 81 sent to Mr  
Any

8/3/69 B  
32229

41

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS  
THE MAHARAJA OF MYSORE

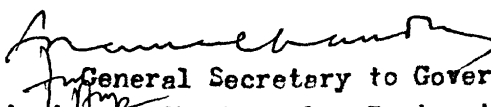
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READ -

Correspondence ending with letter No.A3.C.1877/  
47-48 dated 6th November 1948 from the Deputy Commissioner  
Chickmagalur District, furnishing a report of the enquiry  
into the allegations made against Sri K H Govindappa,  
Clerk, Birur Town Municipal Office

ORDER NO L10131-4 The 91-48-6  
Dated, Bangalore, the 5-3-49

From the perusal of the evidence recorded and the  
report of enquiry, Government are satisfied that the Clerk  
Sri.K.H.Govindappa is responsible for a number of the  
irregularities which have taken place in the Birur Municip-  
pal Office and in the Food Grains Depot They therefore  
direct that he may be dismissed from service immediately.



To

- The Deputy Commissioner, Chickmagalur District, with
- " Comptroller to Government (records)
- " President, Birur Town Municipal Council.
- " Public Service Commissioner in Mysore.



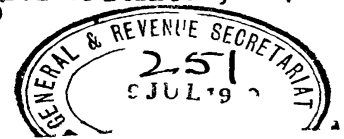


Sir,

With reference to the correspondence ending with ~~letter~~ your letter on A3c 1877/47-68 dated 6-11-68 and on the above subject, and in continuation of the ~~so~~ <sup>dated</sup> no dated I am directed to ~~State~~ <sup>request</sup> that a detailed report <sup>may be sent</sup> after proper



Office of the Deputy Commissioner, Chickmagalur District, 45  
Dated, Chickmagalur, 5th July 1949  
No A3 C 1877/47-48  
Encl one file  
To



The Secretary to Government of Madras

44

NO. 10131 (re 9448-7)  
5/3/49

The

General Department

To

The Deputy Commissioner,  
Chickmagalur District

SUBJECT Allegations against K H Govindappa and  
Sri N.T. Maliyappa in connection with the  
irregularities in the Birur Town Municipality

Sir,

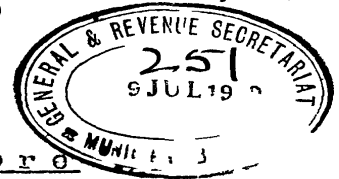
With reference to the correspondence ending with  
your letter No A3 C 1877/47-48 dated 6th November 1948 and  
in continuation of the Government Order No. 10131-4 re  
dated 9-11-48 5-3-49 on the above subject, I am directed to  
request that a detailed report may be sent after proper  
investigation by the police regarding the feasibility and  
the advisability of prosecuting the then Vice-President  
Sri N T. Maliyappa who is also responsible for several of the  
irregularities brought to light in the Municipal Office and  
the Grains Depot

Yours faithfully,

General Secretary to Government



Office of the Deputy Commissioner, Chikmagalur District, 45  
Dated, Chikmagalur, 5th July 1949  
No. A3 C. 1877/47-48  
Encl one file.  
To



The Secretary to Government of Mysore,  
General Department, Bangalore

Sir,

*Mk 91-48-10*

*Govindappa*  
Subject - Allegations against Sri K H Govindappa and Sri  
N T Maliyappa, in connection with the irregularities  
in the Briur Municipality -  
-----



*7/7/49*  
*8/7/49*

*Smt. Bya*  
*8/7/49*

Adverting to your letter No L 10135/M1 91-48-7 dated 5th  
March 1949 calling for a detailed report after proper investiga-  
-tion by the Police regarding the feasibility and advisability  
of prosecuting the then vice-President, Sri N.T Maliyappa, who  
is also responsible for several of the irregularities disclosed  
in the Briur Town Municipal Office and the Municipal Glassing Depot,  
I write to forward herewith the entire file of records together  
with a copy of report No C C 13/48-49 dated 16th May 1949 received  
from the District Superintendent of Police, Chikmagalur, for kind  
perusal of Government

It is true, as reported by the District Superintendent of  
Police, that no documentary evidence could be got in by the pro-  
-secution. The recoveries made by Sri F H Govindappa, Clerk of  
the Municipal Office, in collusion with the Ex-Vice President were  
not brought to accounts of the Municipality and the fact ~~xxx~~ <sup>is</sup> only  
established by oral evidence recorded during the inquiry by the  
Sub-Division Officer, Tarikere

Under the above circumstances and as opined by the District  
~~Superintendent of Police~~ Superintendent of Police from a perusal of the records,  
I am of opinion that the prosecution may fail for want of docu-  
-mentary evidence and that it does not seem to be feasible to pro-  
-secute the ex-Vice-President, Sri N T Maliyappa

I request that the records may kindly be returned when  
done with, at an early date, with final orders of Government

Yours Faithfully,

*M. R. S.*

Deputy Commissioner,  
Chikmagalur District

I M. 2

*to/*



SUBMITTED TO THE DEPUTY COMMISSIONER, CHIKMAGALUR DISTRICT  
CHIKMAGALUR, with the entire file relating to the allega-  
-tions against Sri N.T. Malyappa and Sri K.M. Govindappa in  
connection with the irregularities leading to the alleged  
misappropriation of certain items of Municipal funds at  
Bijur Municipality -

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The records were perused in detail. Though there are  
some circumstances to implicate Sri N.T. Malyappa, ex-vice-  
-president along with the Clerk Govindappa regarding some  
items of alleged misappropriation, coming under (1) the  
collection of security amounts from the sweepers (2) the  
evidence of the persons in this respect under both  
categories does not appear to be entirely reliable as no  
vouchers or receipts or any documentary proof is available  
regarding the alleged recovery of the amounts. The evidence  
is all oral and the transaction or payments is said to have  
taken place long ago and the amounts due is only a small  
amount within about (Rs 162/-) and as such there may not be  
definite evidence available to the court to rely upon as some  
of the Boyees in their statement have stated they have paid  
the amount to the clerk in the presence of the Vice-President  
and that they had not got any receipts till today (vide state-  
-ment of China Boyee and Rama Boyee)

It is also very difficult to make out from the accounts  
available ~~xx~~ from the Municipality as to what respective amounts  
were collected and misappropriated by the Ex-Vice President or  
the Clerk Govindappa and the Sanitary Inspector.

The Deputy Commissioner in a detailed report has also  
come to the conclusion that the amounts of alleged misapprop-  
-riation was pointed out in the last para of his report may  
be recovered from clerk and the concerned Vice-President and  
the Sanitary Inspector.

In these circumstances there do not appear to be reliable  
material to prosecute the Vice President Sri N.T. Malyappa of  
Bijur Town Municipality at this distance of time and it seems  
highly desirable that the amounts towards the security deposits  
said to have been collected as per orders of the Vice-President  
by the Sanitary Inspector and ~~the~~ of the purchased amounts of  
sites collected by the Clerk Govindappa in the presence of the  
Ex-Vice President Sri Malyappa be recovered from these concerned  
persons and returned to the parties.

The Municipality does not appear to have lost any amount  
as a result of these transactions as the sites have not been  
allotted to those boyees who were said to have paid the amounts  
and the Security deposits said to have been collected from the  
Sweepers and subsequently refunded to the parties also cannot be  
held as belonging to Municipality in the absence of proper docu-  
mentary evidence.

The approximate total amount due under ~~XXXXX~~ <sup>these</sup> two headings  
to alleged misappropriation is about Rs 90/- plus Rs 72/- i.e.  
Rs 162-0-0

The entire file of records are herewith enclosed

-----  
sd. V. Pattabhirama Iyer  
Superintendent of Police, 16-5-49  
Chikmagalur District

" Copy "

*Chikmagalur*  
Deputy Commissioner,  
Chikmagalur District

I MB.



Copy of letter D.O No 191/47-48 dated 3rd September 1948 from the Sub Division Officer, Tirikere to the Deputy Commissioner, Chickmagalur District, Chickmagalur.

=====

Regarding allegations against K.H Govindappa, former Head Clerk of Birur Municipal Office.

=====

In obedience of your kind D O Letter No A3-C 1877/47-48 dated 27-3-48 on the above subject, I beg to state that the official named above was placed under suspension immediately pending enquiry on receipt of your orders. I made detailed enquiries at Birur by securing the presence of parties and giving opportunities to them to cross-examine one another obtained the explanation of the clerk and to state as follows -

2 The allegations against the clerk Sri K H.Govindappa are as follows:-

- i that he has misappropriated Rs 100/- realised as profits in the sale of sugar and kerosene along with his colleagues,
- ii that he has misused the building materials of the old toddy-shop in connection with the construction of a building behind the Town Hall and that the building committee members have also combined with the clerk
- iii that he has not been transferred from Birur, although he has served in the same place for 3 years and that he is a native of the locality,
- iv that he has unauthorisedly used 20 seers of poha, 25 seers of ragi and one tin of kerosene from the Municipal stores and that the Vice-President Sri.S Shantappa, Municipal Councillor, Sri S P.Subba Rao Nagabhusana Shetty, Satya nara, and setty were present and that nothing was done although enquiries were made,
- v. that the articles detained for the Municipal arrears have been lost, and the Municipal clerk may be transferred,
- vi that the deposits at Rs 10/- have been recovered from the Sweepers and that no accounts have been maintained and the same requires an enquiry,
- vii that amounts at Rs.20/- per site were recovered from Bovies and no further action was taken

3. I made detailed enquiries at Birur giving an opportunity to the clerk Govindappa and Sri N T Myligappa, Ex-Vice-President of Birur Municipality who are alleged to be connected with the above allegations to cross examine each other. The names of persons that were

that were examined in this behalf are noted below:-

- Sri.
1. C.V Hanumanthappa, Octroi Kolkar, Birur Municipality
2. B Ramiah, Shambhogue, Birur Municipality.
3. A R Ramiah, Birur Town
4. H. Shivanna, Conservancy Paffedar, Birur.
5. M. Srinivasulu, Contractor, Birur
6. Nadiga Krishna Murthy, Birur.
7. Q. S Krishna Murthy, Birur
8. K.P. Krishna Murthy, Ex-Vice President, Birur Municipality.
9. M B. Mahadevappa, Municipal Councillor, Birur.
10. N T. Malayappa, Ex-Vice-President, Birur Municipality.
11. K T. Satyanarayana Setty, Ex-President, Birur Municipality.
12. K H Govindappa, Ex-Clerk, Birur Municipality
13. Fakeerappa.
14. Nagappa.
15. Duraganna.
16. Sm Nirgemma.
17. " Kiralamma.
18. " Rangamma.
19. " Siddamma.
20. Sri. Lakshmana.
21. Sm Kalarma (Sweepers of Birur Municipality)
22. Sri. Appanna Bovi, Ulger Poi, Thimabovi.
23. " Beema Bovi.
24. " Tirupati.
25. " Thimabovi ( Residents of Bovi colony, Birur)..

4. Sri C.V Hanumanthappa, Octroi Kolkar, Birur Municipality has stated that about 5 years ago when the Municipality was dealing in sugar and kerosene in the Birur Town Hall himself Thimayya, Ramiah and Shivanna were serving in the municipality. He and those persons used to vend kerosene and sugar and pay the realisations every day in the evening to the Municipal Clerk and in his absence to the Sanitary Inspector. He estimated that about 90 tins of kerosene and 20 bags of sugar were sold.

When he went and requested the then Vice President Sri K R Krishna Murthy for distributing the profits realised, the Ex-Vice President replied that he would enquire, calculate and distribute the same. Subsequently, according to the Kolkar, the Vice-President resigned. Then he asked the clerk Govindappa. The witness continuing, has stated that the clerk Govindappa replied him that the profits were appropriated for the expenses towards the tea-party, proto, etc, in connection with the transfer of the Sanitary Inspector and that Rupees 100 had been earned as profits. In his cross-examination, the Kolkar stated that sugar was being vended near the Vice-Presidents' house and that kerosene oil in the open bazar. He added that in the profits realised, they used to retain 0-4-0 to 0-6-0 annas for their labour and make over the balance to the Sanitary Inspector or the clerk Govindappa. According to him, the profits would be earned for some tins and for others there would be loss. He cannot say what exactly was the total amount he paid to the clerk because the oil used to be sold by more than 2 persons. The Vice-President, according to the Kolkar, promised

-13:-

promised to look into the accounts, and within a week or 10 days after the promise, the Sanitary Inspector was transferred and that the kolkar with others suggested that the profits might be used for the entertainment of the Sanitary Inspector ~~was transferred and that the kolkar with others suggested that the profits might be used for the entertainment of the Sanitary Inspector~~ and that it was not possible for them to contribute separately for this. Then both the clerk and the Sanitary Inspector offered to pay the amounts with them. The kolkar stated that the profits were utilised for the entertainment and that they did not contribute anything. In the matter of alleged appropriation of the jola by the clerk, the kolkar deposed that the jola was being sold in the depot at Rirur Municipal Office and that when good jola consignment was received there would be keen demand. On a particular day, there was a bag of good jola and as the bag was damaged the jola was spilt on the ground and that the clerk instructed him to measure and parcel the same separately. He did accordingly. He requested along with the others for getting them a good bit of the good jola, the clerk said that he consulted Gangadhara Setty, Salesman and instructed the kolkar to keep the jola separately. The next morning, when the Vice-President (Sri N T Malivappa) was in the office, the clerk Govindappa questioned the kolkar as to where he had kept the bag of jola which was spilt on the ground. The kolkar replied that he had kept this in the clerk's house. The clerk rebuked him and asked him to bring the same to the office and it was accordingly done and the vice present Sri N T Malivappa witnessed it. The Kolkar explained that he kept the jola in the clerk's house with the hope of obtaining the same for himself as the stuff was good.

5. Sri B. Ramayya, Shanbhoque, Rirur Municipality has stated that he was the salesman of the town Municipal stores and that about the 22nd or 23rd they transported the food stuffs from the Municipal Office to the Musafirkhana and the stuff was being sold, that one of the jola bags stocked in the Municipality was damaged. Some jola was thrown on the ground. After the transactions in the evening, himself, Vice President, Sri S V Shantayya, R Subbaraya, Clerk Govindappa, Trinivasappa were gathered in the Municipal office checking the collections. Peon Rudrappa was asked to collect and measure the jola that was thrown on the ground. Rudrappa and Panumenthayya measured it, it was found to be 17 seers.

-:4:-

After the cash was counted this jola bag was missing. Shantayya questioned and all the persons present said that they were not aware of it. In the meantime, the peon Rudrappa had gone away. He was got and questioned by the Vice President. According to S.M. Ramayya, Rudrappa said that the clerk Govindappa sent the jola bag with Hanumanthayya Kolkar to his house and Govindappa admitted it. This was reported to the President and this witness was not aware what happened thereafter. The witness further stated that 20 persons of Bovi community visited the Municipal Office with Sri Mahadevappa, Municipal Councillor when the Vice-president along with Shantayya and clerk Govindappa were present. The vice President (Sri N. T. Malivappa) instructed Govindappa to receive the amount from the Bovies towards the cost of sites. The Boviees paid the amounts to the clerk and got their names entered. Mr Mahadevappa paid Rs. 100/-. Some paid Rs. 20/- and some others paid 10/-. ~~xxx~~ According to this witness, no receipt was issued. Boviees reminded for their title-deeds and the clerk promised to get them the same.

6 The next witness examined was peon Thimmayya, Municipal Office, Birur. He stated that when the sugar and kerosene were being sold by the Municipality, he was entrusted with the work of measurement along with the octroi peon Hanumantha, Rama, and conservancy daffadar Shivanna. The clerk Govindappa, according to this witness was receiving the money and accounting the same. Sri Krishnamurthy was then Vice-President. He along with others were promised a share of profits by the Vice President. He concluded by saying that he learnt subsequently from Govindappa that profits were appropriated towards the jela party and that there was no balance and that he did not claim anything thereafter.

7 Another witness examined was A.P. Ramayya, Kolkar, Birur Municipality. He corroborates Kolkar Hanumanthappa and Thimmayya in the matter of sale of sugar and kerosene through the Municipality and also as to the payments of daily collections to the Clerk Govindappa and the Sanitary Inspector. According to him 40-45 tins and 5-6 bags of sugar were sold in a period of about 3 weeks and 0-12-0 profit per tin would be realised. The vice president is stated to have promised him that the amount would be utilised for some useful purpose. He was not aware

He was not aware as to how the amount was appropriated. In his cross examination, he corroborated C.V. Hanumanthappa and stated that he would keep C-4-0 annas for each tin and make over the balance. He further stated that he agreed to the profits being utilised for the entertainment of the then Sanitary Inspector who was transferred.

8. The next person that was examined was Tirumalachar, Sanitary Inspector of the Municipality. He was not personally aware of the sale of sugar and kerosene. He was also not aware of further details regarding the utilisation of building materials of the old toddy shop for the construction of the new building apart from the details in the measurement book. He did not know the details regarding furniture. As regards the removal of jola he said that records were with the President.

9. The next person examined was P. Shrivanna, Conservancy Officer, Birur. He stated that during the year 1942-43 when sugar and kerosene were sold through the Municipal stores, they were making over daily realisations to the clerk Govindappa and that when he requested the Vice-President (Sri Krishna Murthy) and Sanitary Inspector for the disposal of the profits, the Vice President informed them that the profits were not with him and it was with the clerk Govindappa. The building materials of toddy shop were transported under his supervision to the Municipal office. This witness is not personally aware of the recovery of the upset price from the boys. He stated that security deposits at Rs 10/- for the male sweepers and Rs 9/- for the female sweepers were recovered from their pay and given to the clerk. He was not aware of the refunds of security deposits to the sweepers. He stated that four sweepers (Nagamma, Muniswamy, Station Nagamma, Nagamma wife of Papa) were removed. Regarding the removal of jola he was not personally aware of any details. According to him 24 zinc sheets were kept in the office and he took 6 with the permission of the clerk and the Sanitary Inspector and he returned the same to the President after a month and the remaining were with the vice president (Sri K.T. Malivappa) and that 15 sheets were used for the shed of the water works, 4 zinc sheets were sent to Sri Krishna Murthy's house (son of Sri Subba Rao, Municipal Councillor) and that he was not aware of their return. In his cross-examination the Conservancy Officer stated that sugar and kerosene were sold for some time in the Bazar and for some time sugar was sold in Sri Krishna Murthy's shop (Ex-Vice President). He was not definite as

as to who exactly were selling and only a portion of the profits were being given to the office. He stated that he paid the sale realisation to the Sanitary Inspector. He admitted that a tea party was given at the time of the transfer of the Sanitary Inspector and that he did not contribute anything. He was not aware as to how the building materials of the toddy shop were disposed of.

10. The next witness enquired was Sri M Srinivasa Rao, Contractor Birur. He stated that he was the supervisor for the construction of the two rooms behind the Municipal Town Hall and that he had constructed the same. According to him, the materials of the old toddy shop were utilised for the new building inclusive of 131 zinc sheets, beams, stone-pillars, slabs, and size stones. He further stated that he made over the dismantled building materials to the then octroi clerk M N. Krishna Rao and that they were heaped in front of the Municipal Office. One pillars and some beams were utilised for the new building and the unseviceable slabs and pillars damaged wooden pieces were sold by the Municipality.

11. Nandiga Sri Krishnaswamy, another resident of Birur was examined. He stated that for the Municipal arrears due by him in Nos. 34/44-45 his moveables consisting of a brass thappale and copper pot were detained by the then Sanitary Inspector and that he applied to the Municipality, Sub Division Officer, Deputy Commissioner for the return of these properties.

12. R. Krishna Murthy, son of Subba Rao, Municipal Councillor has admitted that about nearly 2 years ago, he borrowed 4 zinc sheets with the permission of the then Vice President and the Sanitary Inspector for covering his leaky roof and that they are with him. In his further statement he stated that he returned these subsequently to the Municipal office and that no acknowledgment was available with him.

13. Sri. K. R. Krishna Murthy, Ex-Vice President of the Municipality stated that sugar and kerosene were being sold through the Municipality and as the amount at the credit of the Municipality was small, he had financed for the same and that he instructed the clerk Gogindappa to keep accounts for the profits and to dispose of the same with the concurrence of the Municipal Council. The sales were done by the

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The sales were done by the clerk and office peon. He advanced Rs.300/ only once. He was not aware of the quantity sold. According to him the accounts were with the clerk and he checked the same. He concluded by saying that he resigned in the meanwhile. In his cross examination he denied having kept the profits with him and that he directed the Head clerk to sell the <sup>oil</sup> ~~oil~~ and kerosene and the clerk Govindappa had the profits.

14. The marginally noted sweepers have stated jointly that the ~~dearness~~ allowance sanctioned to them were withheld by the Vice president Sri W T. Maliyanna and that when they demanded the same from the Vice President Sri W T. Maliyanna, they were told that it was withheld as security. They further stated that in the first instance

|                   |                                                                       |
|-------------------|-----------------------------------------------------------------------|
| 1. Sri            | Rs 5/- for each sweeper was withheld. Thereafter ever                 |
| 2. Sreerappa.     | month Rs 1/- was being withheld to make up the                        |
| 3. Purganna       | security deposit of Rs 10/- for a male sweeper and                    |
| 4. Nargappa.      | Rs.2/- for a female sweeper. They were paying the                     |
| 5. Thimmadesari   | amount to the Municipal Clerk Govindanna. They stated                 |
| 6. Abbaiah.       | that the accounts might be with the vice president                    |
| 7. Laxmana.       | or president. Continuing, they stated that when they                  |
| 8. Channabellav   | were hard-pressed for money due to food control,                      |
| 9. Sm. Minamma.   | they demanded refund of the deposit from the Vice President. The      |
| 10. " Fokeeramma. | President issued instructions for the refund. They admitted that the  |
| 11. " Kiralamma.  | clerk Govindanna refunded Rs 5/- per head. Two months after this they |
| 12. " Chiamma.    | reminded the vice President. Then the President issued instructions   |
| 13. " Siddamma.   | to the clerk to refund. The clerk took them to the Vice President     |

and refunded Rs 2/- per head. In conclusion, they said that they have yet to receive at the rate of Rs 3/- for a male sweeper and Rs 2/ for a female sweeper. According to them 4 sweepers have not been paid the entire deposit amount (4 sweepers, Ganganna, Gummanna, Perumal, Kenamma). All these sweepers urged for their refund. In their cross examination Fokeera, Purga, Nargappa, Laxmana, Kiralamma, Nargamma, Siddamma, Laxmana and Oblamma stated that the instalments towards the deposit were being recovered by the clerk in the presence of the Vice-President and Sanitary Inspector. Fokeera has stated that the amount was recovered under the instructions of the Vice President and that he was not aware as to who kept the amount. Purga and Naga have affirmed this.

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15. 1 Chinnabovi. 2 Bheemabovi 3 Nagabovi 4 Apranna bovi and 5 Ulgabovi stated <sup>that</sup> they along with 20 others visited the Municipal Office. Then clerk Govindappa Sri Margada Mahadevappa Sri.S V. Shantayya and Mill Collector Ramayya were in the office. They paid Rs.20/- each as upset price towards the vacant sites allotted to them to Govindappa clerk. Aprannabovi paid Rs. 10/- The above persons witnessed it. Sri Margada Mahadevappa paid Rs. 100/- towards his kulas. The bovies named above have not yet received their title deeds. They reminded Clerk and the Vice President, and the Vice President is stated to have told them to deposit the amount and then the sites would be sanctioned. Bheemabovi Aprannabovi in their cross examination stated that they paid Rs.20/- each to the clerk in the presence of the Vice President and that the clerk promised to issue a receipt shortly. Subsequently they stated that they paid the amount first to Vice-President who made over the same to the Clerk Tirupathi and Thimmabovi stated that they requested the Vice President to adjust Rs.20/- due to them in the matter of supply of jelly to which the vice president did not agree. The amount due to them towards the jelly was settled in full. Ulgabovi Chinnabovi stated that they paid the amount to the clerk in the presence of the Vice President Sri Shantayya Mahadevappa Subbaraya and Shanbhogue Ramayya and that no receipts were issued and they even delivered the stamp papers and they did not get the orders though pressed and they were promised redress shortly. This was brought to the notice of the President also. They corroborate the statement of the Vice President that there was a panchayat in the Saw Mill in which it was decided that the clerk should pay half the money to which the clerk did not agree. They said that the clerk got the stamp papers Tirupathi and Thimmabovi stated that they paid Rs.20/- each to the Vice President for the sites in his house through the Hotel Srinivasa Rao and no receipt was issued and that sites were not granted.

16 Sri Margada H.B. Mahadevappa another Municipal Councillor corroborates the statement of Boyees and added that the clerk Govindappa made a note of the same in his note book and no receipts were issued and that he on the same day paid Rs. 100/- to the clerk Govindappa towards the cost of sites of 5 boyees under his charge and that he did not issue receipts. He admitted that he received the title deeds of his kulas. In his cross examination he said that the

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that the Vice President instructed the clerk to receive the amount and note down the same and that the clerk acted accordingly.

17. The next witness examined was Ex-Vice-President (Sri H T Haliyappa). He stated that the transactions relating to the sugar and kerosene were not carried out in his time and the clerk Govindappa told him that the profits earned were disposed of otherwise and the account were with Sri Krishna Murthy (Ex-Vice President). As regards the missing of the furniture he stated that he was not aware of the entry in the furniture register to the effect that two armed benches were with him and that he took them for mill-opening ceremony on the 2nd and that he returned them on the next day and that they are in the office and that he was never locked into the stock register of furniture. According to him, the Sanitary Inspector did not produce the detained articles belonging to Sri Nadiya Krishna Murthy on the day of sale and that the sale was adjourned. In the meanwhile, the Sanitary Inspector was transferred and that on a complaint made to the Deputy Commissioner, the concerned Sanitary Inspector came over to Birur and detained articles were returned to the parties. When the Municipal Stores was being run, the salesman Gangadara Setty came and reported that there was shortage of jobs in measurement and that the Head Durast removed the same and that he issued instructions to report the matter to the President for taking necessary action and that he subsequently learned from the President that there was no proof. He was not aware as to who had the key of the stores and he added that the stores was run on the responsibility of the President and the salesman was related to the President. He admitted that recovery of the deposit amounts from the sweepers, was as a measure of security that they might run away with implements entrusted to them. The deposits were being taken by the Sanitary Inspector or clerk Govindappa and that they have not been taken to the Municipal accounts. The deposits were taken in his presence and the list was with the clerk and he got a portion refunded including those resigned. When the Sanitary Inspector was transferred he made over his charge to the clerk. *The accounts might be in office or with the clerk* He further said that he has not got this amount and it may be with the Sanitary Inspector or the clerk. He denied the statement of the clerk that the accounts and deposit amount with him and added that he had even entrusted him with the key of the Iron Safe and that he took

he took back after 2 or 3 months. On a particular day vendors came to the Office and credited Rs.20/- being the cost of sites that that he had asked the clerk to receive the amount and issue receipt and he received the amount from 10-12 persons and that receipts were issued to them and sites were granted. Subsequently 3-4 Boyees complained that they were not given the sites although they paid the amounts to the Clerk. He asked for the explanation of the clerk *he did not give his explanation when he asked the clerk* after 2-3 days, the clerk replied orally that he has not received the amount. After the clerk was transferred, the President informed him that 2-3 stamped papers on which the draft orders of grant were written were brought for his signature and he declined to sign as the amount was not credited and the President kept by these stamped papers. All the zinc sheets except 20 condemned zinc sheets were sold. They were in the custody of the Sanitary Inspector. These zinc sheets along with the 8-9 used for the mutton stall were kept in the 2nd floor of the Town Hall and 30 out of these were used for the water works shed and that Shivanna returned 6 sheets that he had borrowed. He was not aware of the zinc sheets borrowed by Sri. Krishna Murthy. He concludes by saying that the zinc sheets was the property of the Municipality and that he had never appropriated them for his personal use and denied the statement of Shivanna that he utilised the zinc sheets. He added that Shivanna was suspended previously and that he might have some malice towards him. In his cross examination, Sri N T. Mallivappa (Ex-vice President) stated that security deposits were taken on the report of the Sanitary Inspector and that these amounts were not taken to Municipal Account and that a portion of the deposit amount might have been refunded and that the list might be in the office. The amounts were being recovered by the Sanitary Inspector and the Clerk Govindappa and that he initialled the list and stated that the list was with the clerk. The amount used to be with the clerk and Sanitary Inspector and that he inferred that the amount might be with the clerk and that he did not see it and stated that the amount might be in the Office. He did not remember what explanation was offered by the clerk Govindappa on the complaint of boyees. The stamp papers were seized by the President when they were taken by the clerk for signature

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for signature and subsequently came to his notice and that he did not remember who enquired into this and that no memo was issued to the clerk <sup>when</sup> he was transferred in this matter, that on a particular day in the S. w. Mill the Voddars who had paid the amounts approached him, then Subba Rao and Shantaveerappa were present. The clerk was sent for and Voddars were asked to waive half the deposit amount and the clerk was asked to pay the balance and settle the matter amicably to which the Voddars and the clerk were stated to have agreed. The Vice President admitted that he was responsible for the cash after the entry in the petty Cash Book and that there was no misunderstanding between himself and President, and that the clerk had money transactions with the President who had more confidence with the clerk. There was some disagreement between himself and the President in the matters regarding Municipal depot. The President according to him kept the stamp papers after he learnt that the amounts were not credited. The vice President further stated that 2 houses Tirupathy and Thirumabovi requested for adjusting Rs.20/- due to them towards the cost of sites.

18. The President who was enquired into the matter stated that the transactions relate to the Sugar and Kerosene did not take place during his time. He further stated that the auditor raised certain objection regarding the ~~xxxx~~ utilisation of the old toddy shop building materials for the construction of two rooms intended for the High School and that the Sanitary Inspector was responsible for this and that he may be asked to properly account for the same. In the matter of removal of join, the President has stated that the clerk was warned and that he was removed from the charge of Depot and concerned records were with the present President. In the matter of missing zinc sheets he had taken action. 13 zinc sheets from the Vice President were recovered and given to the water works. He further stated that the Sanitary Inspector reported that Givanna returned 6 sheets and that they were given for water works and that 15 zinc sheets had yet to be traced and action was taken in this behalf. According to him 14 zinc sheets were shown as outstanding against Amildar, Kadur in the stock register the Amildar replied that he was not aware of this. Continuing he stated that the Municipal Council resolved to grant

resolved to grant sites to the boyees. Accordingly the sites were granted to some boyees. On the complaint of Anparna Boyi, Ulaga Boyi, Chinna Boyi, Bheema Boyi, Iella Boyi stating that they paid Rs 20/- each to the clerk for the sites and that they did not receive the grants and that the clerk had not submitted the explanation and that the clerk was transferred. He was in the office at the time of preparation of charge list and that stamp papers relating to the 5 boyees stated above were in the Clerk's Almira and that he took charge of them. On examination of stamped papers it was found that one of them was purchased on 28-6-1945 and others on 24-9-45. He added that stamp papers were purchased prior to the Municipal Council resolution to sanction sites to the Vaddars and suggested that the stamp papers might have been obtained by the clerk much earlier. The title-deeds are written by the clerk and the value of these 5 sites have not been credited to the Municipal Funds. On the complaint of sweepers for refund of security deposit amounts, he instructed the Vice President for refund. The Vice President told him that the accounts are with the clerk. The amount was not taken to Municipal Balance. As regards the missing of restrained articles of Sri. Nadiga Krishna Murthy, the Sanitary Inspector subsequently came down to Bilur and got receipt from the party to the effect that he received the articles. In conclusion, he stated that the clerk Govindappa was an experienced official and did Municipal work satisfactorily and that as the official has suffered suspension for four months, the entire proceedings may be dropped as the amount involved was small.

19 Clerk K H Govindappa has been examined and he has submitted his explanation. He stated that he was a clerk in the Bilur Municipality from the year 1942 when the Kodur Amildar was the Ex-Officio President and Sri R. Krishna Murthy was Vice President. Owing to the scarcity of kerosene and sugar the Vice President obtained permission to deal in these commodities. This was not authorised by the Municipal Council nor financed from the funds of the Municipality. The Vice President used to advance his personal money for dealing in the commodities and sugar was being sold in his own shop. The kerosene was being sold near the office by the peons under the supervision of the Sanitary Inspector. The daily realisations was paid to the Vice President. He said that the profits might have been shared among the peons and accordingly it was done. The

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The clerk had no accounts. The old building materials in of Toddyshe were removed under the supervision of the Sanitary Inspector and used for the new building and the entire records in the office. A portion of these materials was sold in auction. The articles distrained were not in the custody of the clerk and they were with the Sanitary Inspector and 2nd clerk. He continuing said, that in the Municipal stores there was some jola thrown on the ground and the peons requested him for the same and that with a view to help them, he got it measured and bagged the same in consultation with the Gangadharashetty, Salesman. He intended to distribute the jola among the peons next morning with the permission of the Vice-President. The peon kept the bag in his house by mistake. This was returned next morning to the office and it was sold in the depot. The connected records were with the President. He denied that he even took ragi as also kerosene for his own use. He admitted that deposits were being recovered from the sweepers as a hold on them as they were frequently running away with the implements and there were many such instances and that the Sanitary Inspector suggested this device to the Vice-President. Accordingly the clerk stated that the Sanitary Inspector was recovering Rs 1/- per head with the intention of returning the same when they retired from the service. The maximum amount of security was fixed at one month's pay and he (Sanitary Inspector) used to keep the same and that he had a list with him. These amounts had not been taken to Municipal balance. A portion of these deposits was refunded and the balance was with him (Sanitary Inspector). The clerk denied that he had any accounts. Continuing he stated that the Municipal Council resolved to grant sites in the boyi colony to boyies. Accordingly, the boyies visited the Municipal Office when the Vice-President was present and the Vice-President requested him (clerk) to prepare a list of boyies as sites were not assigned. He prepared the list. He stated the amount was with the Vice-President and no receipts were issued and the amount had not been taken to Municipal Balance. Continuing, he stated that as and when the sites were demarcated, the Vice-President used to grant receipts and title-deeds and that there were some cases in which grants were not made. He denied having any accounts and money and added that he was not authorised either to receive the amount and issue receipts and he acted as per orders of the Vice-President.

In ~~his~~ his further statement, he stated that he served in the Birur Municipality from the year 1942 to July 1946 as clerk and there was misunderstanding between Vice-President and Municipal Councillors and that the daily realisations relating to the sale of sugar and kerosene were being made over to the then Sanitary Inspector Sri.K.Venkataramanacher and the Vice President and the sales were conducted under the supervision of the Sanitary Inspector and that he used to make over the amount to the Sanitary Inspector. The total profits realised so far he is remembered amounted to Rs.15/- to 20/-. and the Sanitary Inspector and the deons agreed to appropriate this amount to a tea party and it was spent for the same at the time of transfer of the Sanitary Inspector. In the matter of the removal of the jola he said that he did not remove it and it was taken to his house by mistake by the deon and it was returned and the same was included in the general stock and sold. Final orders have been passed in this case. The deposits from the sweepers used to be recovered in the presence of the Vice President, Sanitary Inspector and Octroi Clerk and that he used to prepare the list of recoveries and hand over the list to the Vice President every month after his signature. In the matter of refund of the deposits, the clerk stated that acknowledgements were obtained from the sweepers and that the Vice President had got this list and when the clerk was transferred he was not questioned in this behalf and that he had not got the amount or the list. Continuing he stated that as per instructions of the Vice President he received the deposit amount in advance and prepared a list and made over the same to the Vice President and 7 to 8 persons were given receipts and title-deeds subsequently and that he had written the draft of the title deeds on the stamp papers as usual and that receipts and the grants used to be given simultaneously and that when he was transferred he handed over 3-4 stamp papers to the Vice President. He had no authority to receive the amount as clerk and that either the Vice President or the President did not question him when he was transferred. He alleged that the allegations against him have no basis. According to him, there was mis-understanding between Sri.K.T.Satyanarayana Setty and Sri.N.T. Haliyappa. Regarding certain office matters and that he thought that these petitions were got written and that he was recommended for retention in the Municipality when he was transferred and sought for

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In his cross examination, he stated that the permission of C. Krishna Murthy was not sought for tea party as he was not the Vice-President then and that the amount was with the Sanitary Inspector and that he received the amount only for 2 days when the Sanitary Inspector was absent. In his cross examination by the sweepers Fakeera, Naga and Durga, he said that he prepared the list of recoveries and made over the same to the Vice President with the cash and that refunds were noted there and that the same was with the ~~Vice President~~ *Vice President with the* cash. In his cross examination by the ~~Tr-Vice President~~ (Sri. N T Maliyappa) the clerk stated that he listed the names of the boyies under instruction from the Vice-President in his presence and received the amount and that the stamped papers were delivered to the President by the Sanitary Inspector and that he did not agree to share half the cost of sites of the boyies and that he used to write the list showing the receipts and expenditure of the deposits receipts when he was present and he would keep the list and the cash in the Iron Safe and hand over the key to the Vice President and that he cannot remember as to whether the key of the safe was with him or not till there was a theft in the Municipal Office.

The 1st allegation against the clerk is that he has misappropriated the profits realised in the sale of sugar and kerosene through the Municipality in the year 1942. There is conflicting evidence as to the amount realised in the sale, but it is clear from the evidence of C V Hanumanthappa Octroi Kolkar and the peon that the profits realised ranged from Rs. 15- 20/-, and odd. There is also evidence of the Municipal staff and the then Vice President that the profits were appropriated for Tea-party and photo on the occasion of transfer of the then Sanitary Inspector Sri K Venkataramanachar. The Octroi Kolkar, the peon Ramayya say that they used to make over the amounts realised in the sale to the Sanitary Inspector and the clerk. There are no record or accounts to fix the responsibility as to who received the amount and how much of it was received etc., The transaction regarding sugar and kerosene was conducted openly and the then Vice-President has admitted that he advanced the money for transactions when the Amildar was the President of the Municipality. There was

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There was no Municipal Council resolution, nor was any amount advanced by the Municipality. The present anonymous petition was made after the clerk was transferred and it was the duty of then Officials in charge of the Municipality to have seen to the actual accounting and appropriation of the profits. There is evidence also to show that there was mis-understanding between some of the Municipal Councillor Vice President and the President. The clerk has stated that he has no accounts and the profits were not with him and they were appropriated for the tea party. In the absence of any amount being advanced by the Municipality and proper authorisation in this behalf and proper record it is rather difficult to fix the responsibility on the clerk. I feel that both the clerk and the Sanitary Inspector will have to make good the amount which may be estimated at Rs.50/-

In the matter of dismantled articles of old toddy shop, there is evidence of the contractor Srinivasa Rao to show that the work was entrusted to the then Sanitary Inspector Sri Sivarthy. The materials intended to be used for the construction of 2 rooms for the High School behind the Town Hall and it is learnt that the work was done by the then Sanitary Inspector under the supervision of a committee appointed by the Municipal Council. The auditors have objected for the materials being used for the building intended for the High School. The objection will have to be answered by the Municipal Council. The clerk Govindappa has nothing to do with this and there is practically no evidence.

The next allegation is that the clerk removed 17 seers of Jola from the Municipal Stores without the notice of anybody of the Municipal Depot. In this case, enquiry was held by the Municipal President and the Clerk was warned by him and asked not to take part in the Municipal depot affairs. The records in this behalf are with the present President. The explanation offered by the clerk is that he instructed the peons to bag the jola that was split on the ground with the permission of the depot salesman Ganapadasetty and to keep it. He explained that he intended to distribute the same among the peons and the peon Thimmayya removed the jola to his house by mistake. This mistake he states was brought to the notice of the then Vice President (Sri N.T. Malivappa) and the Jola was returned to the Municipal Stores.

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to the Municipal Stores and was sold. There is the evidence of the Police C.V. Hanumanthappa in this behalf. As the matter is already decided by the then President, I feel that it will not serve any purpose at this distance of time to reopen the question as gold was returned and disposed of and the quantity involved was small.

Another allegation is that the properties of Sri Nadiga Krishnaswamy which were distrained were missing from the Municipality. There is evidence of Nadiga Krishnamurthy to show that the articles were distrained and kept in the office but not entrusted to the Municipal Clerk. These articles were not produced on the date of sale. It appears that the Sanitary Inspector who was responsible for the safe custody of articles subsequently came to Birur and settled the matter with the concerned party. The clerk Govindanna is not connected with this at all.

In the matter of security done it amounts received from the sweepers there is the evidence of the sweepers to show that the deposits were recovered from them upto one month's pay i.e., Rs 10/- for male sweeper and Rs 9/- for a female sweeper under the instructions of the Vice President by the clerk. The sweepers also admitted that a portion of the deposits were refunded to them in two instalments of Rs. 5/- and Rs 2/- and they are to be paid the balance. Two of the sweepers who left the service in the middle have not received their amounts back. Some sweepers are dead. The explanation of the clerk is that the deposits amounts were recovered and left in the custody of the Vice-President along with the list prepared in this behalf. These amounts have not been taken to Municipal Accounts. The Vice President has explained that the amounts were recovered from the sweepers as they used to run away with the implements belonging to the Municipality. He stated that the amounts recovered were with the Sanitary Inspector and the clerk. The President with whom the matter was discussed stated that the sweepers complained for the refund of the amount by the Vice President and the Clerk. After that nobody complained to him. In this respect, there are no accounts to show the amounts recovered, and the amount refunded, nor are these amounts brought on the Municipal accounts. It is rather difficult to fix the responsibility regarding the person with whom the balance remains. The contention of the clerk

The contention of the clerk is that he was only a clerk and cannot be expected to receive and keep the amount himself and that if he had any amount, he ought to have been questioned in this behalf at the time of his transfer. He is persistent in his saying that the balance of deposit amount and the accounts are with the Vice President (Sri N T Malivanna). The amount due in this case amounts to Rs. 72/- approximately and will have to be made good by the then Vice-President Sri N T. Malivanna. Sanitary Inspector and the Clerk who were responsible for the recovery and disposal of this amount without the formal sanction and accounting of the same.

In the matter of the amounts recovered from Boyles towards the cost of sites there is evidence to show that the amounts were recovered at Rs. 90/- each from 4 boyles and Rs. 10/- from one Boyl and all Rs. 90/-. According to the evidence, the amount was recovered in the Municipal Office in the presence of the Vice President and some respectable Municipal Councilors. The amounts were recovered by the clerk and a note was also made to this effect. No receipts have been issued nor the sites sanctioned. The explanation of the Vice President is that the Boyles came to the office and he asked the clerk to receive the amount and issue receipts. When there was a complaint, he called upon the clerk to submit his explanation. There were 5 stamped papers on which drafts of grant orders were written in favour of them. They were seized by the President from the records of the clerk at the time of handing over the charge of the Sanitary Inspector. The Municipal Council resolution was on 10-10-1945 to grant sites to Boyles in Bovi colony and the stamp paper on which the orders of grant were written by the Clerk Govindanna were purchased on 28-6-45 and 24-9-45 prior to the passing of the resolution. The clerk explains this that it was the usual practice to receive stamp papers earlier and to issue them as and when the amounts were credited. There is clear evidence for the receipt of the amount and it was the duty of the Vice President and the clerk to have brought these amounts on the Municipal Balance and arranged for the issue of grants. There is evidence to show that Vice President used to hand over the key of the safe to the clerk and the clerk used to return it. It clearly shows that both the Clerk and the Vice President had confidence in each other.

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had confidence in each other in the way they have dealt with the amounts recovered. It is argued by the Clerk that he was only a subordinate and acted according to the instructions of the Vice-President and that he has no accounts or money. The Vice President also says that the clerk has got the accounts and the money. In my opinion, both the Vice President and the Clerk will have to make good the amounts i.e., ₹ 9/- or to prove conclusively that they are responsible for these.

As regards misusing zinc sheets, according to the stock register maintained by the Municipality, 48 zinc sheets were missing. Out of the above missing, 13 were with the Vice President & with Municipal Ministry Shivanra and 4 with Municipal Councillor Sri R.S. Krishna Murthy. All these are stated to have been returned to the Municipality. 14 zinc sheets are shown as outstanding against the Amildar, Kadur taluk. The Amildar has reported that he does not know anything regarding this. 15 are stated to be still missing. I discussed the matter with the present President. He stated that the Municipal Council have since resolved to write off these losses and missing zinc sheets.

In brief, I wish to state that the Clerk is free of blame in connection with 1) materials belonging to the old toddy shop, 2) missing of distrained articles, 3) missing and misusing of zinc sheets. But he has to account for the profits realised out of kerosene sugar along with the then Sanitary Inspector.

2) He along with the Vice President will have to account for the remaining deposits of the sweepers, 3) and he has also to account for the amounts recovered from bowler along with the Vice President.

The then President of the Municipal Council (Sri K.T. Sathyanara and Setty) appears to know all these things. Sustained action does not appear to have been taken in the matter. There is also some truth in the report of the Amildar that there was ill-feeling between the then Vice President (Sri N.T. Laliyappa) and the then President (Sri K.T. Sathyanara and Setty) and the present anonymous petition appears to be the result of the mis-understandings. All these incidents are over 3 years old and the transactions relating to kerosene and sugar are over 5 years old. All these could have been set right by the then President long back by bringing them to the notice of the

them to the notice of the concerned authorities. It appears that the clerk was proposed for transfer from Birur Municipality twice or thrice, but the President appears to have interfered and got the proposals stopped. These irregularities were known to the President and Vice President and it would not have been possible for the clerk to have committed these irregularities unless there was some encouragement from the Vice-President.

The clerk has been kept under suspension since 1st April 48 and has submitted an appeal stating that he was not responsible for most of these irregularities and that he acted only under the instructions of the then Vice-President to whom he was subordinate and has prayed for reinstatement. This clerk is already transferred to Kadur Taluk Office. The enquiry has been completed and the clerk states that he may be restored as he has been kept under suspension pending further enquiry into the allegations. In this case, the Officials and non-officials are both involved in the commission of irregularities. The Ex-President (Sri. K. T. S. Sivanarayana Setty) to whose regime all these irregularities relate has suggested that further proceedings in this matter may be dropped as the amount involved was small and the clerk concerned has suffered suspension for over 4 months and it has created in the Official a feeling of repentance and that he is an experienced hand and has done his work satisfactorily and has also suggested for the recovery of the amount involved from the concerned persons.

In these circumstances, I am inclined to agree with the opinion of the Ex-President Sri. K. T. S. Sivanarayana Setty and submit that the amounts due on account of the deposit of Sweepers may kindly be ordered to be made good by both the Vice President Sri. N. T. Maliyappa the Clerk (Govindappa) and the then Sanitary Inspector, and the amount due on account of the Cowies from the Vice President and the clerk. The clerk as recommended by the Ex-President may, if approved, be kindly be ordered to be restored with severe warning in view of his long service for over ~~thirty~~ ten years and past good record and further proceedings in the matter, if approved, be dropped after recovery of these amounts as suggested by the then Ex-President, Sri. K. T. S. Sivanarayana Setty. This I think will go a long way in

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will go a long way in restoring Public Confidence and harmony  
in the administration of Local Bodies.

Entire records accompany.

\*\*\*\*\*

"" Copy ""

*hmv*  
Deputy Commissioner,  
Chikmagalur District.

HPL.



SUBJECT

Allegations against Sri K H Sundappa and  
Sri NT Malayappa <sup>and</sup> in connection with the irregularities  
in the Birm <sup>to</sup> mt

Section

ML

File No

91-48

Serial No

11

Diary No of letter replied to

No L 1847/ML 91-48-11 d 12-8-49  
 To

General and Revenue Secretariat

( )  
 the 194

The Asst. Chief Magistrate.

Date of issue

12-8-49

Sir,

Signed by

Sri G R Rao

List of enclosures

Copied by

Examined by

With reference to the correspondence ending with your letter no A3C 1877/47-48 dated 5-2-49 on the above subject, I am directed to <sup>State that</sup> convey the ~~approval~~ <sup>accept</sup> of ~~for~~ <sup>as</sup> to your suggestion that <sup>the</sup> prosecution <sup>is likely to</sup> ~~may~~ fail for want of documentary evidence <sup>is</sup> ~~and that it does not~~ <sup>also advisable</sup> seem feasible to prosecute the ex-vice-pdt, Sri NT Malayappa.

However, I am, to state that as  
 there is ample evidence to show  
 that Sri N T Mahayappa has behaved  
 in an unworthy manner and has abused  
 the trust reposed in him as a vice pdt  
 of the MTS utilizing the <sup>position</sup> ~~composition~~  
 to his own advantage, <sup>action</sup> ~~action~~ should  
 be taken to recover <sup>immediately</sup> the money  
 due by him and the clerk S. K H  
 Swindappa to the extent of Rs 162 <sup>from him</sup>  
~~immediately. and also to obtain the~~  
~~opinion of the pdt~~ as to what action  
 they propose to take against <sup>him</sup> for his  
 misconduct under Sec 116 of the Mysore  
 Town Municipalities Act 1933 <sup>as a member of the MTC</sup>  
 Necessary action  
 may be taken on the above lines immediately  
 A further report in the matter may be obtained  
 from and a report of action taken furnished <sup>to the pdt</sup>  
~~to the pdt Mtd. Chickmagalur and sent~~  
~~to very early~~ records accompany

Yours faithfully

for

for 81 September

Amp  
 9/8/49  
 9829

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

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No S 1847/MX 91-48-11

General and Revenue Secretariat,

Dated Bangalore, 12-8-1949

FROM

*The Secretary to the Government of  
His Highness the Maharaja of Mysore  
General Department*

TO

The Deputy Commissioner,  
Chickmagalur District

SIR,

SUBJECT Allegations against Sri N T Maliyappa and Sri K H  
Govindappa in connection with the irregularities  
in the Birur Town Municipality  
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With reference to the correspondence ending with your letter No A3 C 1877/47-48 dated 5th July 1949 on the above subject, I am directed to state that the Government accept your suggestion that as the prosecution is likely to fail for want of documentary evidence, it is not advisable to prosecute the ~~Ex-President~~ Ex-Vice-President, Sri N T Maliyappa

I am however to state that ~~as~~ there is ample evidence to show that Sri N T Maliyappa has behaved in an unworthy manner and has abused the trust reposed in him as a Vice-President of the Municipality utilising the position to his own advantage Action should be taken to recover immediately the money due by him and the clerk Sri K H Govindappa to the extent of Rs 162/-- The opinion of the Birur Town Municipal Council may also be ascertained as to what action they propose to take against him for his misconduct under Section 14 of the Mysore Town Municipalities Act 1933 as a member of the Municipal Council Necessary action may be taken on the above lines immediately and a report of action taken furnished to Government early

Records accompany

Yours faithfully,

  
General Secretary to Government  
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